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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक् संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 16 नवम्बर, 2009

का.आ. 3119.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 तथा भारत सरकार, गृह मंत्रालय का.आ. 1825 दिनांक 4 जुलाई, 2009 की अधिसूचना में आंशिक संशोधन द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और ऐसे संशोधन से पूर्व किए गए अथवा छोड़े गए कार्यों के अलावा केन्द्र सरकार एतद्वारा नीचे दी गई सारणी के कॉलम (1) में वर्णित अधिकारियों को सरकार के राजपत्रित अधिकारी के पद के समकक्ष होने के नाते कथित अधिनियम के उद्देश्यों हेतु सम्पदा अधिकारी नियुक्त करती है जो कथित सारणी के कॉलम (2) में विनिर्दिष्ट सार्वजनिक स्थानों से संबंधित क्षेत्राधिकार की स्थानीय सीमाओं के भीतर कथित अधिनियम के अंतर्गत अथवा उसके द्वारा सम्पदा अधिकारी को सौंपे गए कर्तव्यों का निर्वहन और प्रदत्त शक्तियों का प्रयोग करेंगे :

सारणी

क्रम सं.	अधिकारी का पदनाम	सरकारी परिसरों की श्रेणियां तथा क्षेत्राधिकार की स्थानीय सीमाएं
1	2	3
1.	पुलिस उप-महानिरीक्षक (संभरण एवं लेखा), पूर्वी सेक्टर, केन्द्रीय रिजर्व पुलिस बल मुख्यालय, साल्ट लेक, कोलकाता (पश्चिम बंगाल)	पश्चिम बंगाल राज्य में सेक्टर-3, साल्ट लेक 47, स्ट्रेण्ड रोड तथा सर्जर हॉट, न्यू टॉउन कोलकाता में केन्द्रीय रिजर्व पुलिस बल से संबंधित भूमि परिसर व परिसंपत्तियां।
2.	कमाण्डेन्ट 3 सिगलन बटालियन, केन्द्रीय रिजर्व पुलिस बल, सेक्टर IV/V, कोलकाता (पश्चिम बंगाल)	पश्चिम बंगाल राज्य में सेक्टर-IV/V, साल्ट लेक, 47, स्ट्रेण्ड रोड तथा सर्जर हॉट, न्यू टॉउन, कोलकाता में केन्द्रीय रिजर्व पुलिस बल से संबंधित भूमि परिसर व परिसंपत्तियां।

[फा. सं. ए-11-14/98-2009-प्रस्ता-1(ई.एस.)-एमएचए-फोएफ-II]

एच. के. सुआनथंग, अवर सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 16th November, 2009

S.O. 3119.—In exercise of the powers conferred by Section 3 of the Public Premises Eviction of Un-authorized Occupants Act, 1971 (40 of 1971), and in partial modification of the notification of the Government of India in the Ministry of Home Affairs S.O. 1825 dated 4-7-2009, except as respects things done or omitted to be done before such modification, the Central Government hereby appoints the Officers mentioned in column (1) of the Table below, being the Officer equivalent to the rank of a Gazetted Officer of the Government to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estate Officer by or under the said Act within the local limits of the jurisdiction in respect of the public premises specified in column (2) of the table aforesaid namely :

TABLE

Sl. No.	Designation of the Officer	Public premises and local limits of jurisdiction
1	2	3
1.	Deputy Inspector General of Police (Provision and Accounts), Eastern Sector, Central Reserve Police Force, Headquarter, Salt Lake, Kolkata (West Bengal)	Premises of land and assets belonging to Central Reserve Police Force at Sector-III, Salt Lake, 47, Strand Road and Rajarhat, New Town, Kolkata in the State of West Bengal.
2.	Commandant, 3rd Signal Battalion, Central Reserve Police Force, Sector IV/V, Salt Lake, Kolkata (West Bengal)	Premises of land and assets belonging to Central Reserve Police Force at Sector-IV/V, Salt Lake, 47, Strand Road and Rajarhat, New Town, Kolkata in the State of West Bengal.

[F. No. A-II-14/98-2009-Admn.-I (ES)-MHA=PF-III]

H. KAM SUANTHANG, Under Secy.

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 9 नवम्बर, 2009

का.आ. 3120.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश राज्य सरकार, गृह विभाग (सेक्शन-डी) की अधिसूचना सं. गृह (डी)/बी-(13)-1/2005 दिनांक 31, जुलाई, 2008 द्वारा प्राप्त सहमति में श्री भूपेंद्र सिंह थिंड, भा.पु. सेवा अधिकारी, हिमाचल प्रदेश कॉडर द्वारा अपनी आय के ज्ञात स्रोतों से अधिक संपत्ति रखने के संबंध में भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 13(2) संपठित 13(1)(ई) के अंतर्गत कथित तौर पर किए गए दंडनीय अपराध के अन्वेषण तथा इस संबंध में प्रयास करने, दुष्प्रेरणों और षडयंत्रों तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध या अपराधों का अन्वेषण करने के संबंध में दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण हिमाचल प्रदेश राज्य पर करती है ।

[सं. 228/75/2008-एवीडी-II]

चन्द्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 9th November, 2009

S.O. 3120.—In exercise of the powers conferred by sub-section (1) of Section 5, read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Himachal Pradesh, Department of Home (Section-D) vide Notification No. Home (D)/B(13)-1/2005 dated 31st July, 2008, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Himachal Pradesh for investigation of the offence punishable under section 13(2) read with 13(1)(e) of the Prevention of Corruption Act, 1988 (Act No. 49 of 1988) alleged to have been committed by Shri Bhupander Singh Thind, IPS Officer of Himachal Pradesh Cadre by having assets disproportionate, to his known sources of income as also for the other matters connected with the same and for any offence or attempt, abetment and conspiracy in relation to or in connection with the said offence committed in the course of the same transaction or arising out of the same facts.

[No. 228/75/2008-AVD-III]

CHANDRA PRAKASH, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 10 नवम्बर, 2009

का.आ. 3121.—केन्द्रीय सरकार एतद्वारा इस विभाग की दिनांक 6 अक्टूबर, 2009 की समसंख्यक अधिसूचना का आंशिक आशोधन करते हुए और अपराध प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिल्ली विशेष पुलिस स्थापना (सीबीआई) द्वारा स्थापित मामलों के अभियोजन के लिए गोवा राज्य में विधि द्वारा स्थापित पुनरीक्षण अथवा अपीलीय न्यायालयों में इन मामलों के अपील, पुनरीक्षण का संचालन करने के लिए निम्नलिखित अधिवक्ताओं को विशेष लोक अभियोजक के रूप में नियुक्त करती है :

सर्वश्री

1. जोसेफ सेबैस्टियन वाज
2. संतोश रामा रिवंकर

[सं. 225/21/2009-ए.वी.डी.-II]

चन्द्र प्रकाश, अवर सचिव

CORRIGENDUM

New Delhi, the 10th November, 2009

S.O. 3121.—In partial modification of this Department's Notification of even number dated 6th October, 2009 and in exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints following Advocates as Special Public Prosecutors for conducting prosecution of cases instituted by the Delhi Special Police Establishment (CBI) in the State of Goa as entrusted to them by the Central Bureau of investigation in the trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by law :

S/Shri

1. Joseph Sebastian Vaz,
2. Santosh Rama Rivankar

[No. 225/21/2009-AVD-II]

CHANDRA PRAKASH, Under Secy.

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 10 नवम्बर, 2009

का.आ. 3122.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 21क के साथ पठित धारा 21 की उप-धारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करके, एतद्वारा श्री नरेश कुमार दराल, निवासी 3/5, पाल मोहन अपार्टमेंट, क्लब रोड, पंजाबी बाग, नई दिल्ली को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, भारतीय स्टेट बैंक के दिल्ली स्थानीय बोर्ड के एक सदस्य के रूप में नामित करती है।

[फा. सं. 8/2/2009-बीओ-1]

सुमिता डावरा, निदेशक

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 10th November, 2009

S.O. 3122.—In exercise of the powers conferred by of clause (c) of sub-section (1) of Section 21, read with section 21A of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with Reserve Bank of India, hereby nominates Shri Naresh Kumar Drall, resident of 3/5, Pal Mohan Apartment, Club Road, Punjabi Bagh, New Delhi to be a member of the Local Board of State Bank of India at Delhi Region, for a period of three years, from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 8/2/2009-BO-1]

SUMITA DAWRA, Director

नई दिल्ली, 10 नवम्बर, 2009

का.आ. 3123.—बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 3 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार, भारतीय रिजर्व बैंक के परामर्श से, एतद्वारा, इस अधिनियम के तहत प्रत्येक तदनुसूची नए बैंक की प्राधिकृत पूंजी को एक हजार पांच सौ करोड़ रुपये से बढ़ाकर तीन हजार करोड़ रुपये करती है।

[फा. सं. 11/4/2009-बीओए]

डी. डी. माहेश्वरी, अवर सचिव

New Delhi, the 10th November, 2009

S.O. 3123.—In exercise of the powers conferred by sub-section (2A) of Section 3, of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Government of India, in consultation with the Reserve Bank of India, hereby increases the authorised capital of every corresponding new bank under the Act from One thousand five hundred crores of rupees to Three thousand crores of rupees.

[F. No. 11/4/2009-BOA]

D. D. MAHESHWARI, Under Secy.

नई दिल्ली, 10 नवम्बर, 2009

का.आ. 3124.—बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 3 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार, भारतीय रिजर्व बैंक के परामर्श से, एतद्वारा, इस अधिनियम के तहत प्रत्येक तदनुसूची नए बैंक की प्राधिकृत पूंजी को एक हजार पांच सौ करोड़ रुपए से बढ़ाकर तीन हजार करोड़ रुपए करती है।

[फा. सं. 11/4/2009-बीओए]

डी. डी. माहेश्वरी, अवर सचिव

New Delhi, the 10th November, 2009

S.O. 3124.—In exercise of the powers conferred by sub-section (2A) of Section 3, of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, the Government of India, in consultation with the Reserve Bank of India, hereby increases the authorised capital of every corresponding new bank under the Act from One thousand five hundred crores of rupees to Three thousand crores of rupees.

[F. No. 11/4/2009-BOA]

D. D. MAHESHWARI, Under Secy.

नई दिल्ली, 12 नवम्बर, 2009

का.आ. 3125.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 की धारा 7 की उपधारा (2) के साथ पठित धारा 6 की उपधारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करके, एतद्वारा, भारतीय रिजर्व बैंक के केन्द्रीय बोर्ड के श्री लक्ष्मी चन्द तथा श्रीमती शशि राजगोपालन को दिनांक 16-9-2009 से 26-6-2010 तक की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, राष्ट्रीय कृषि और ग्रामीण विकास बैंक (नाबार्ड) के निदेशक मण्डल में निदेशक के रूप में पुनः नामित करती है।

[सं. 7/4/2004-बीओ-1]

सुमिता डावरा, निदेशक

New Delhi, the 12th November, 2009

S.O. 3125.—In exercise of the powers conferred by clause (c) of sub-section (1) of Section 6 read with sub-section (2) of Section 7 of the National Bank for Agriculture and Rural Development Act, 1981, the Central Government, in consultation with Reserve Bank of India, hereby re-nominates Shri Lakshmi Chand and Smt. Shashi Rajagopalan from the Central Board of Reserve Bank of India as Directors on the Board of Directors of National Bank for Agriculture and Rural Development (NABARD), with effect from 16-9-2009 for a period up to 26-6-2010 or until further orders, whichever is earlier.

[F. No.-7/4/2004-BO-1]

SUMITA DAWRA, Director

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 10 नवम्बर, 2009

का.आ. 3126.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 उपनियम (4) के अनुसरण में, दूरदर्शन महानिदेशालय (सूचना और प्रसारण मंत्रालय) के निम्नलिखित अधीनस्थ केन्द्रों/कार्यालयों, जिनके 80% से अधिक कर्मचारीवृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

1. दूरदर्शन अनुरक्षण केन्द्र, शिमला।
2. दूरदर्शन अल्प शक्ति ट्रांसमीटर, बिलासपुर।
3. दूरदर्शन अल्प शक्ति ट्रांसमीटर, रामपुर (हिमाचल प्रदेश)।
4. दूरदर्शन अनुरक्षण केन्द्र, जम्मू (दक्षिण)।
5. दूरदर्शन अल्प शक्ति ट्रांसमीटर, पटनीटॉप।
6. दूरदर्शन केन्द्र, जम्मू।

[फा. संख्या ई-11017/6/2007-हिंदी]

प्रियम्बदा, निदेशक (राजभाषा)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 10th November, 2009

S.O. 3126.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices under Directorate General of Doordarshan (Ministry of Information and Broadcasting), more that 80% of the staff whereof have acquired the working knowledge of Hindi :—

1. Doordarshan Maintenance Centre, Shimla.
2. Doordarshan Lower Power Transmitter, Bilaspur.
3. Doordarshan Lower Power Transmitter, Rampur (Himachal Pradesh).
4. Doordarshan Maintenance Centre, Jammu (South).
5. Doordarshan Lower Power Transmitter, Patnitop.
6. Doordarshan Kendra, Jammu.

[F. No. E-11017/6/2007-Hindi]
PRIYAMVADA, Director (O.L.)

मानव संसाधन विकास मंत्रालय

(उच्चतर शिक्षा विभाग)

(राजभाषा प्रभाग)

नई दिल्ली, 12 नवम्बर, 2009

का.आ. 3127.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 उप-नियम (4) के अनुसरण में, मानव संसाधन विकास मंत्रालय (उच्चतर शिक्षा विभाग) के अन्तर्गत राष्ट्रीय प्रौद्योगिकी संस्थान, हमीरपुर को, ऐसे कार्यालय के रूप में, जिसके 80% से अधिक कर्मचारीवृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[सं. 11011-1/2009-रा.भा.ए.]

डॉ. अनिता भटनागर जैन, संयुक्त सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Higher Education)

(O. L. Division)

New Delhi, the 12th November, 2009

S.O. 3127.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies National Institute of technology, Hamirpur under Ministry of Human Resource Development, (Deptt. of Higher Education) as office, whose more than 80% members of the staff have acquired working knowledge of Hindi.

[No. 11011-1/2009-O.L.U.]

Dr. ANITA BHATNAGAR JAIN, Jt. Secy.

संचार और सूचना प्रौद्योगिकी मंत्रालय

(दूरसंचार विभाग)

(राजभाषा अनुभाग)

नई दिल्ली, 10 नवम्बर, 2009

का.आ. 3128.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10 (4) के अनुसरण में, संचार और सूचना प्रौद्योगिकी मंत्रालय दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालय को, जिसमें 80% से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

दूरसंचार विवाद समाधान एवं अपील अधिकरण (टी डी सैट), नई दिल्ली

[सं. ई. 11016/1/2009-रा.भा.]

सुधा श्रोत्रिय, संयुक्त सचिव (प्रशासन)

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Telecommunications)

(O. L. Section)

New Delhi, the 10th November, 2009

S.O. 3128.—In pursuance of sub-rule 10 (4) of the Official Language (Use for Official Purposes of the Union) Rules, 1976, (as amended-1987), the Central Government hereby notifies the following Office under the administrative control of the Ministry of Communications and Information Technology, Department of Telecommunications where more than 80% of staff have acquired working knowledge of Hindi.

TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL (TDSAT), NEW DELHI

[No. E-11016/1/2009-O.L.]

SUDHA SHROTRIA, Jt. Secy. (Administration)

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

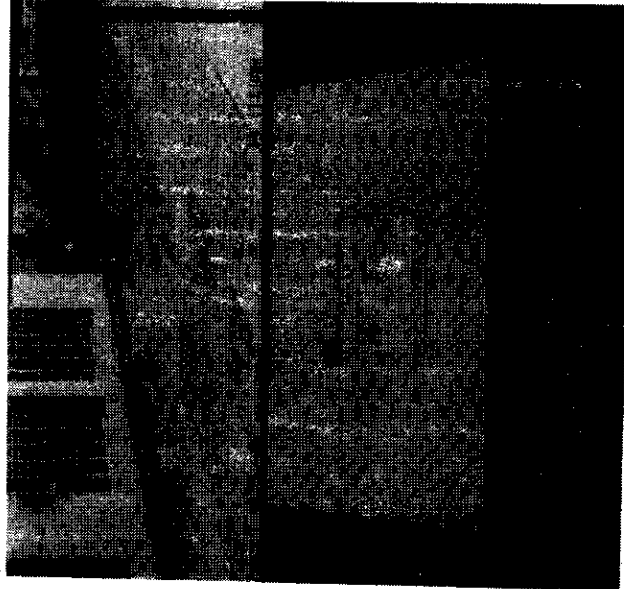
(उपभोक्ता मामले विभाग)

नई दिल्ली, 5 नवम्बर, 2009

का.आ. 3129.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स तुलसी ट्रेडिंग कंपनी, 68, बालीगंज सर्कुलर रोड, तीसरा तल, अन्नपूर्णा अपार्टमेंट, कोलकाता-19 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एलडब्ल्यूबी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज-मल्टीपल प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "तुलसी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/176 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज-मल्टीपल प्लेटफार्म और मल्टीपल स्केल इंटरवल टाइप) है। इसकी अधिकतम क्षमता 30000 कि.ग्रा. और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

उपकरण के इंडीकेटर के तरफ छेद करके सीलिंग की जाती है, इन छेदों में से सील वायर निकाल कर लीड सील लगाई जाती है। उपकरण की बाड़ी पर दिए गए छेद में से लीड और सील तार निकाल कर भी सीलिंग की जा सकती है। इंडीकेटर को सील से छेड़छाड़ किए बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड /मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 300 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (74)/2009]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 5th November, 2009

S.O. 3129.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Weighbridge-multiple platform Type) with digital indication of medium accuracy (Accuracy class-III) of series "LWB" and with brand name "TULSI" (hereinafter referred to as the said Model), manufactured by M/s. Tulsi Trading Company, 62, Ballygunge Circular Road, 3rd Floor, Annapurna Appt. Kolkata-19 and which is assigned the approval mark IND/09/09/176;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge-multiple platform and multiple scale interval Type) with a maximum capacity of 30000 kg and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure 2—Model (Indicator)

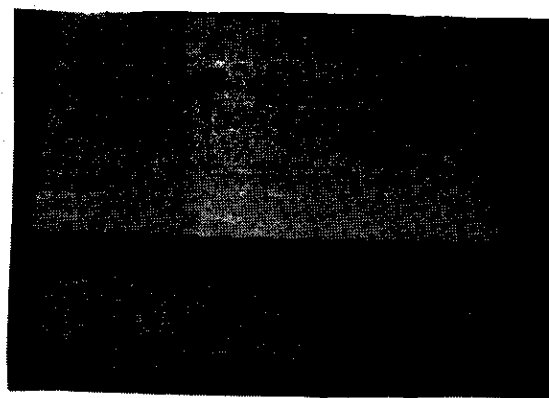
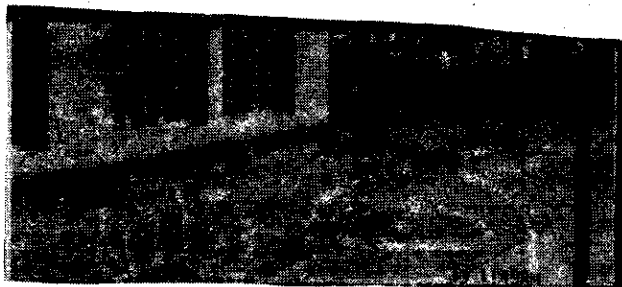


Figure 3—Sealing provision of the Indicator of the model

Sealing is done at the sides by making holes in the indicator of the instrument, then a seal wire is passed through these holes and a lead seal is applied. Sealing can be done by applying lead & seal wire through the holes provided on the body of the instrument. The indicator can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 300 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (74)/2009]

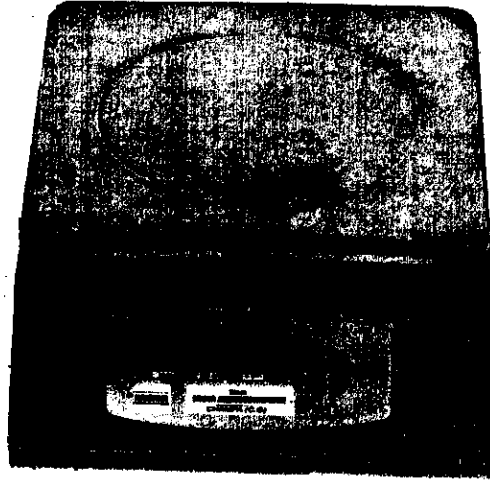
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 9 नवम्बर, 2009

का.आ. 3130.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स सरस्वती ज्वैल्स एंड कृष्णा इंटरप्राइज, 151, सोनार पाड़ा, चम्पा, जिला जांजगिर (छत्तीसगढ़) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "केटी 44के" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "कृष्णा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/118 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

इंडीकेटर के दायीं तरफ अपर कवर और तल प्लेट काटकर, दो छेद किए गए हैं और सत्यापन स्टाम्प और सील प्राप्त करने के लिए इन दो छेदों के जरिए लीड तार से बांधा जाता है। उपकरण को सील से छेड़छाड़ किए बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड /मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} , 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (63)/2009]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th November, 2009

S.O. 3130.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Tabletop Type) with digital indication of medium accuracy (Accuracy class-III) of series "KT-44-K" and with brand name "KRISHNA" (hereinafter referred to as the said Model), manufactured by M/s. Saraswati Jewellers & Krishna Enterprise, 151, Sonar Para, Champa, Dist. Janjgir (C.G.) which is assigned the approval mark IND/09/09/118;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop Type) with a maximum capacity of 30 kg and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

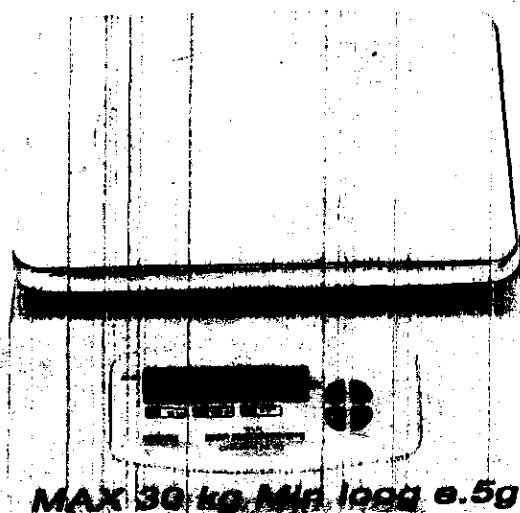


Figure 2—Schematic diagram of sealing provision of the model

From the right side of the weighing scale two holes are made by cutting the upper cover and bottom plate and fastened by a leaded wire through these two holes for receiving the verification stamp and seal. The weighing scale can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g, and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No. WM-21 (63)/2009]

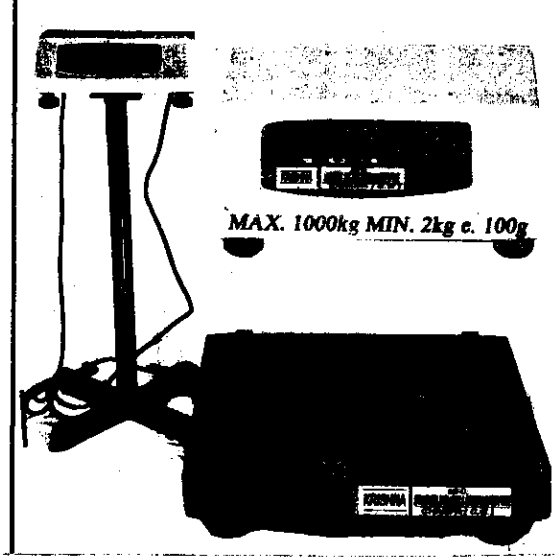
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 9 नवम्बर, 2009

का.आ. 3131.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स सरस्वती ज्वैलर्स एंड कृष्णा इंटरप्राइज, 151, सोनार पाड़ा, चम्पा, जिला जांजगिर (छत्तीसगढ़) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "केपी 44 यू" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "कृष्णा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/119 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्टाम्प और सीलिंग के सत्यापन के लिए इंडीकेटर के किसी भी तरफ अपर कवर और साइड प्लेट काट कर, दो छेद किए गए हैं और इन दोनों छेदों को लीड वायर से कसा गया है। उपकरण को सील से छेड़छाड़ किए बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड /मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (63)/2009]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th November, 2009

S.O. 3131.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform Type) with digital indication of medium accuracy (Accuracy class-III) of series "KP-44-U" and with brand name "KRISHNA" (hereinafter referred to as the said Model), manufactured by M/s. Saraswati Jewellers & Krishna Enterprise, 151, Sonar Para, Champa, Dist. Janjgir (C.G.) and which is assigned the approval mark IND/09/09/119;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

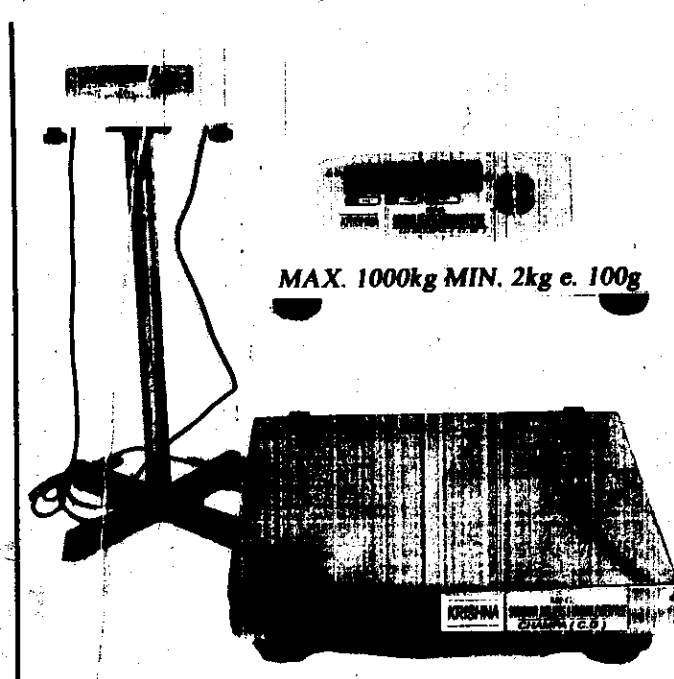


Figure 2—Sealing provision of the indicator of model

From the either side of the indicator two holes are made by cutting the upper cover and side plate and fastened by a leaded wire through these two holes for receiving the verification stamp and seal. The indicator can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (63)/2009]

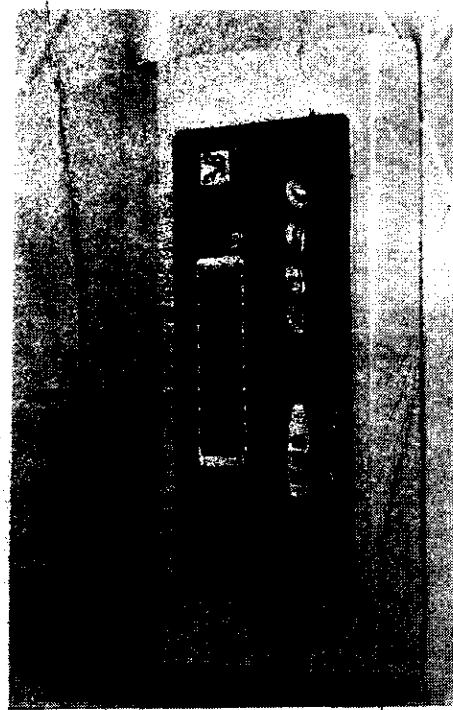
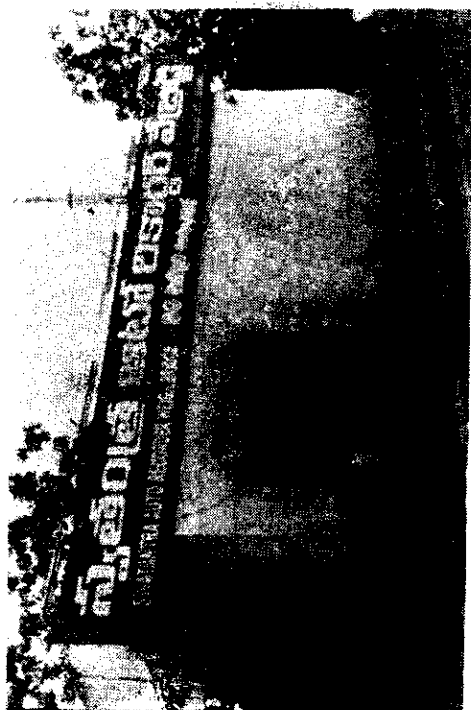
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 9 नवम्बर, 2009

का.आ. 3132.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स ईवीबी वेइंग टेक्नोलॉजी, 79-7-14/टी 6, श्री साईशुभ रेजीडेंसी, श्यामला नगर, राजामुन्दरी द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ईएसडब्ल्यू" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ईवीबी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/296 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) है। इसकी अधिकतम क्षमता 80 टन है और न्यूनतम क्षमता 400 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उद्देशित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल का सीलिंग डायग्राम

इंडीकेटर की निचली प्लेट और आउटर कवर में दिए गए छेदों में से लीडिड वायर निकाल कर सीलिंग की जाती है और लीड सील लगाई जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमाने अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21 (165)/2009]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th November, 2009

S.O. 3132.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Weighbridge Type) with digital indication of medium accuracy (Accuracy class-III) of series "ESW" and with brand name "EVB" (hereinafter referred to as the said Model), manufactured by M/s. EVB Weighing Technologies, #79-7-14/T6, Sri Saisubha Residency, Syamala Nagar, Rajamundry-533 103, A.P. and which is assigned the approval mark IND/09/09/296;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge Type) with digital indication of maximum capacity of 80 tonne and minimum capacity of 400 kg. The verification scale interval (e) is 20 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternate current power supply.

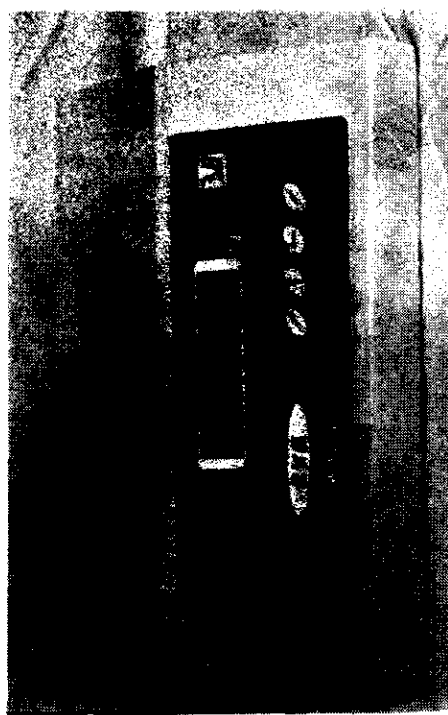


Figure 2—Sealing Arrangement

The sealing is done by passing a lead wire through the holes at rear plate and outer cover of indicator and lead seal is fixed. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity above 5 tonne and up to 200 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (165)/2009]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 9 नवम्बर, 2009

का.आ. 3133.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स ईवीबी वेइंग टेक्नोलॉजी, 79-7-14/टी 6, श्री साईशुभ रेजीडेंसी, श्यामला नगर, राजामुन्दरी द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “ईएमडब्ल्यू” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज के लिए कन्वर्सन किट) के मॉडल का, जिसके ब्रांड का नाम “ईवीबी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/297 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित, अंकक सूचन सहित तोलन उपकरण (वेब्रिज के लिए कन्वर्सन किट) है। इसकी अधिकतम क्षमता 80 टन है और न्यूनतम क्षमता 400 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 20 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल का सीलिंग डायग्राम

इंडीकेटर की निचली प्लेट और आउटर कवर में दिए गए छेदों में से लीडिड वायर निकाल कर सीलिंग की जाती है और लीड सील लगाई जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड /मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21 (165)/2009]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th November, 2009

S.O. 3133.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Conversion kit for Weighbridge) with digital indication of medium accuracy (Accuracy class-III) of Series-“EMW” and with brand name “EVB” (hereinafter referred to as the said Model), manufactured by M/s. EVB Weighing Technologies, #79-7-14/T6, Sri Saisubha Residency, Syamala Nagar, Rajamundry-533 103, A.P. and which is assigned the approval mark IND/09/09/297;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Conversion kit for Weighbridge type) with digital indication of maximum capacity of 80 tonne and minimum capacity of 400 kg. The verification scale interval (e) is 20 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

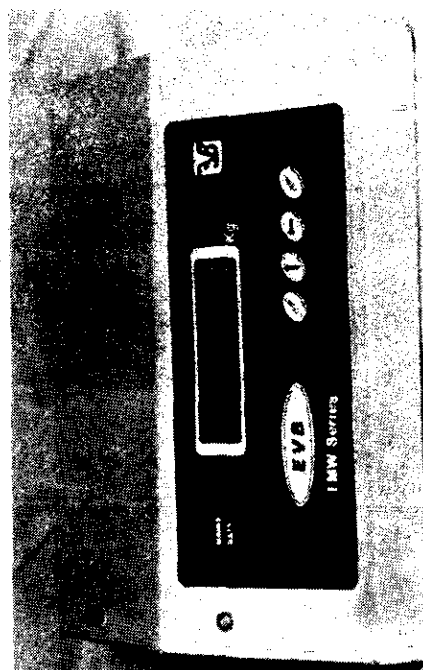


Figure 2—Sealing Arrangement

The sealing is done by passing a leaded wire through the holes at rear plate and outer cover of indicator and lead seal is fixed. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity above 5tonne and up to 200tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (165)/2009]

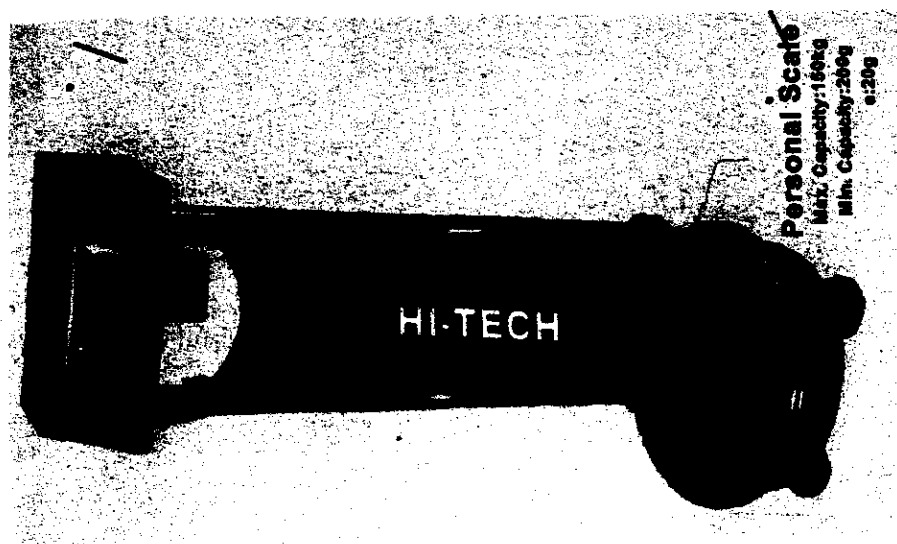
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 9 नवम्बर, 2009

का.आ. 3134.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स हाई टैक वेइंग स्केल, मार्फत श्री लक्ष्मी नारायण स्टोर, बालीछक साही, जतनी-752050 (ओडीसा) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एलएनपीएल” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (व्यक्ति तोलन स्केल टाइप) के मॉडल का, जिसके ब्रांड का नाम “हाई टैक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/219 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (व्यक्ति तोलन स्केल) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-मॉडल का सीलिंग डायग्राम

सर्किट और मैकेनिकल असेंबली की सुरक्षा के लिए स्टाम्पिंग प्लेट पर लीड सील को लगाया जाता है। उपकरण की बाड़ी पर दिए गए छेदों के माध्यम से लीड और सील तार लगाकर सीलिंग की जा सकती है। उपकरण को सील से छेड़छाड़ किए बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड /मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 150 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} , 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम. 21 (97)/2009]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th November, 2009

S.O. 3134.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Person Weighing Scale Type) with digital indication of medium accuracy (Accuracy class-III) of series "LNPL" and with brand name "Hi-Tech" (hereinafter referred to as the said Model), manufactured by M/s. Hi-Tech Weighing Scales, C/o Shree Laxmi Narayan Store, Balichhack Sahi, Jatni-752 050 (Orissa) and which is assigned the approval mark IND/09/09/219;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Person Weighing Scale) with a maximum capacity of 150 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

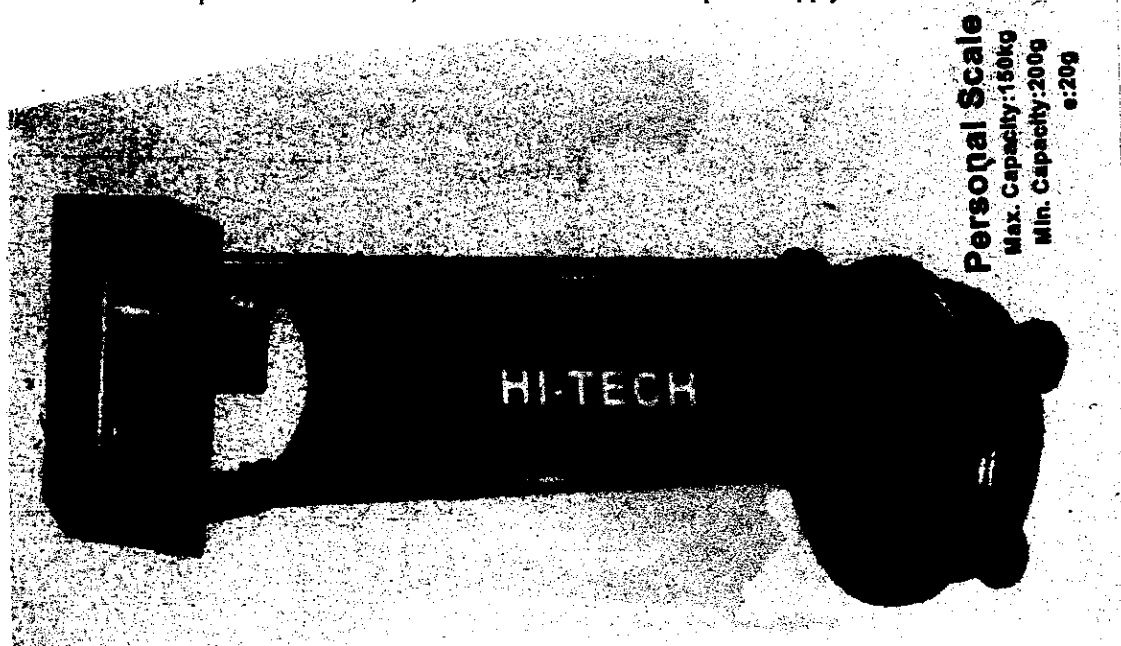


Figure 2—Sealing provision of the indicator of model

Lead seal is affixed on the stamping plate for the security of circuit and mechanical assembly to avoid fraudulent use. Sealing can be done by applying lead & seal wire through the holes provided on the body of the instrument. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 150 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (97)/2009]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 9 नवम्बर, 2009

का.आ. 3135.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स हाई टैक वेइंग स्केल, मार्फत श्री लक्ष्मी नारायण स्टोर, बालीछक साही, जतनी-752 050 (ओडीसा) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एलएनडब्ल्यू" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज टाइप) के मॉडल का, जिसके ब्रांड का नाम "हाई-टैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/220/समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज टाइप) है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



इंडीकेटर की बाड़ी पर दोनों तरफ तार के साथ स्ट्याम्पिंग प्लेट लगाई गई है जिस पर सीलिंग प्वाइंट लगाया गया है, स्केल की बाड़ी में से वायर निकाला गया है जिस पर लीड सील है। कपटर्ण व्यवहार से तोलन उपकरण को खोले जाने से रोकने के लिए सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक-पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 300 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (97)/2009]

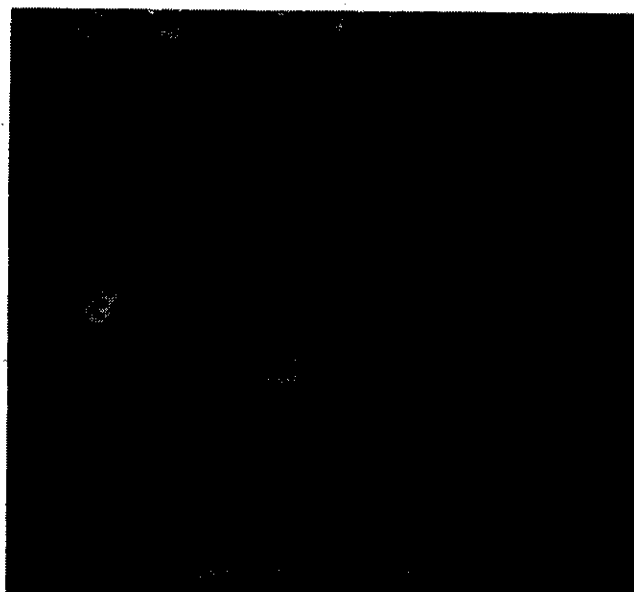
आर. माधुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th November, 2009

S.O. 3135.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Weighbridge Type) with digital indication of medium accuracy (Accuracy class-III) of series "LNW" and with brand name "Hi-Tech" (hereinafter referred to as the said Model), manufactured by Hi-Tech Weighing Scales, C/o Shree Laxmi Narayan Store, Balichhack Sahi, Jatni-752 050 (Orissa) and which is assigned the approval mark IND/09/09/220;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 50 tonne and minimum capacity of 200kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50Hertz alternative current power supply.



Sealing point is affixed on the stamping plate is fixed on two side body of the indicator with the wire, in such a way that the wire passing from the body of scale with the lead seal. Sealing shall done to prevent opening of the weighing machine for fraudulent practice. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 300 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (97)/2009]

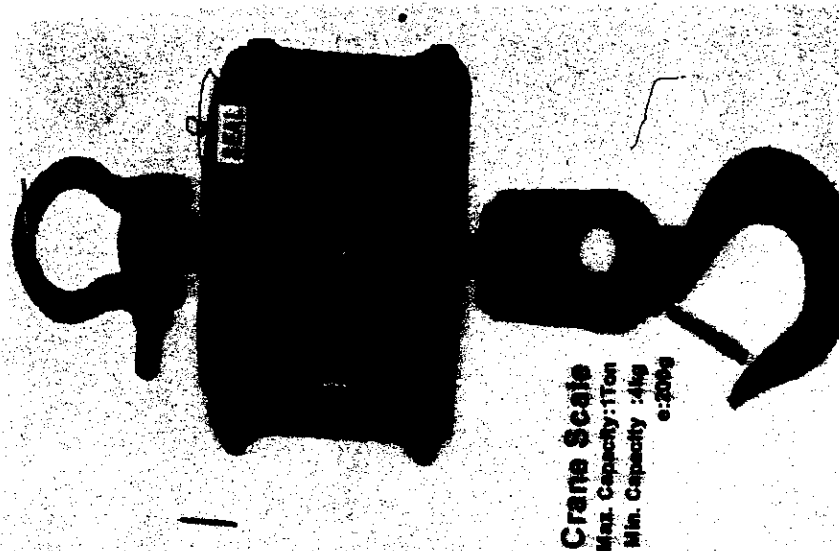
R. MATIURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 9 नवम्बर, 2009

का.आ. 3136.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स हाई टैक वेइंग स्केल, मार्फत श्री लक्ष्मी नारायण स्टोर, बालीछक साही, जतनी-752 050 (ओडीसा) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एलएनसी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (क्रैन टाइप) के मॉडल का, जिसके ब्रांड का नाम "हाई-टैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/221 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (क्रैन टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



इंडीकेटर की बाडी पर दोनों तरफ तार के साथ स्टाम्पिंग प्लेट लगाई गई है जिस पर सीलिंग प्वाइंट लगाया गया है, स्केल की बाडी के ऊपर और नीचे से बाहर निकाला गया है जिस पर लीड सील है। कपटपर्ण व्यवहार से तोलन उपकरण को खोले जाने से रोकने के लिए सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड /मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (97)/2009]

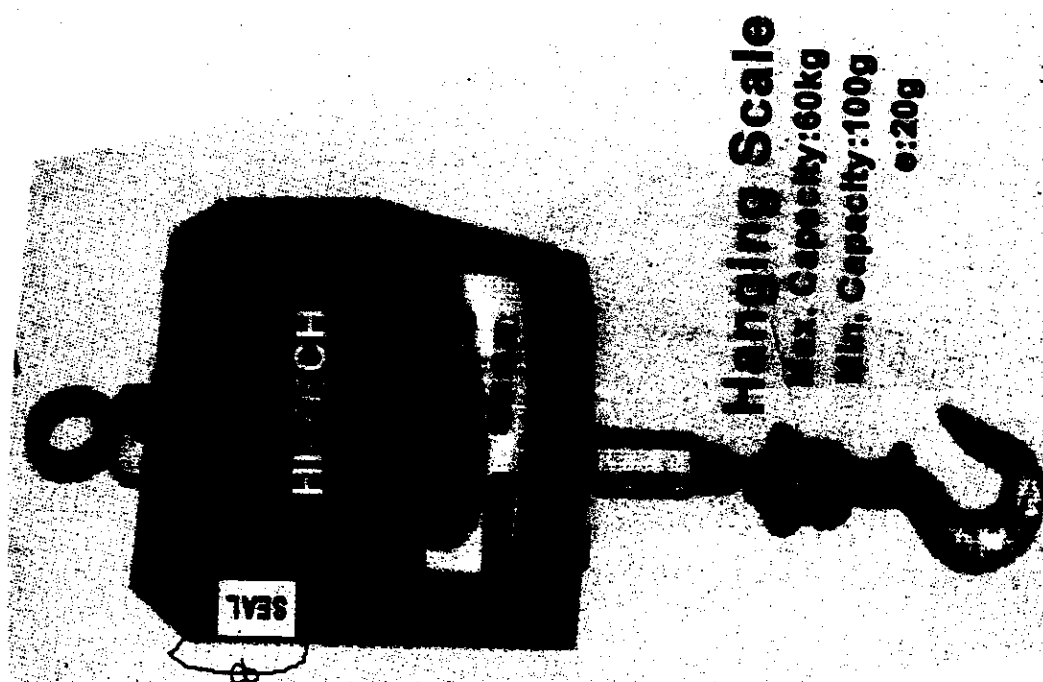
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th November, 2009

S.O. 3136.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Hanging Type) with digital indication of medium accuracy (Accuracy class-III) of series "LNH" and with brand name "Hi-Tech" (hereinafter referred to as the said Model), manufactured by M/s. Hi-Tech Weighing Scales, C/o Shree Laxmi Narayan Store, Balichhack Sahi, Jatni-752 050 (Orissa) and which is assigned the approval mark IND/09/09/221;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Hanging type) with a maximum capacity of 60 kg. and minimum capacity of 400 g. The verification scale interval (e) is 20 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.



Lead seal is affixed on the stamping plate for the security of circuit and mechanical assembly to avoid fraudulent use. Sealing can be done by applying lead & seal wire through the holes provided on the body of the instrument. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 30kg. to 1000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (97)/2009]

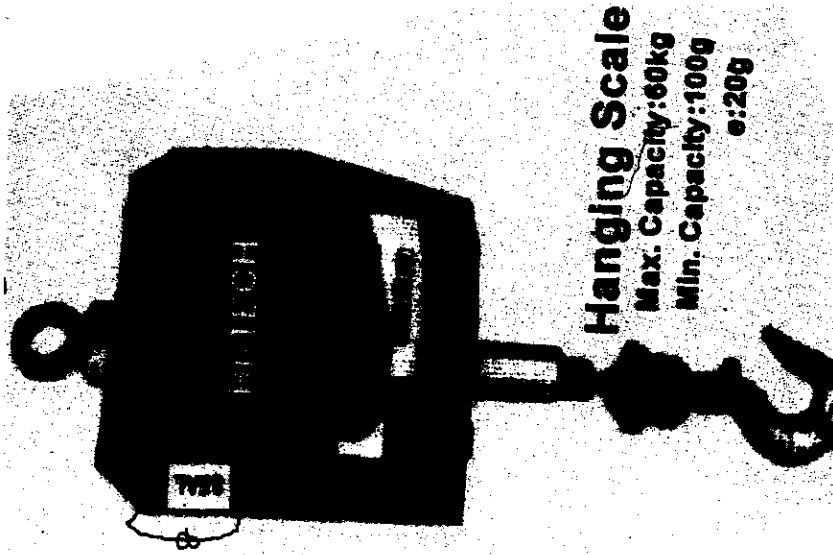
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 9 नवम्बर, 2009

का.आ. 3137.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स हाई टैक वेइंग स्केल, मार्फत श्री लक्ष्मी नारायण स्टोर, बालीछक साही, जतनी-752 050 (ओडीसा) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एलएनएच" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (हैंगिंग टाइप) के मॉडल का, जिसके ब्रांड का नाम "हाई-टैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/222 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (हैंगिंग टाइप) है। इसकी अधिकतम क्षमता 60 कि. ग्रा. है और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



सर्किट और मैकेनिकल असेंबली की सुरक्षा के लिए स्टाम्पिंग प्लेट पर लीड सील को लगाया जाता है। उपकरण की बाड़ी पर दिए गए छेदों के माध्यम से लीड और सील तार लगाकर सीलिंग की जा सकती है। उपकरण को सील के छेड़छाड़ किए बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड /मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 30 कि.ग्रा. से 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} , 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (97)/2009]

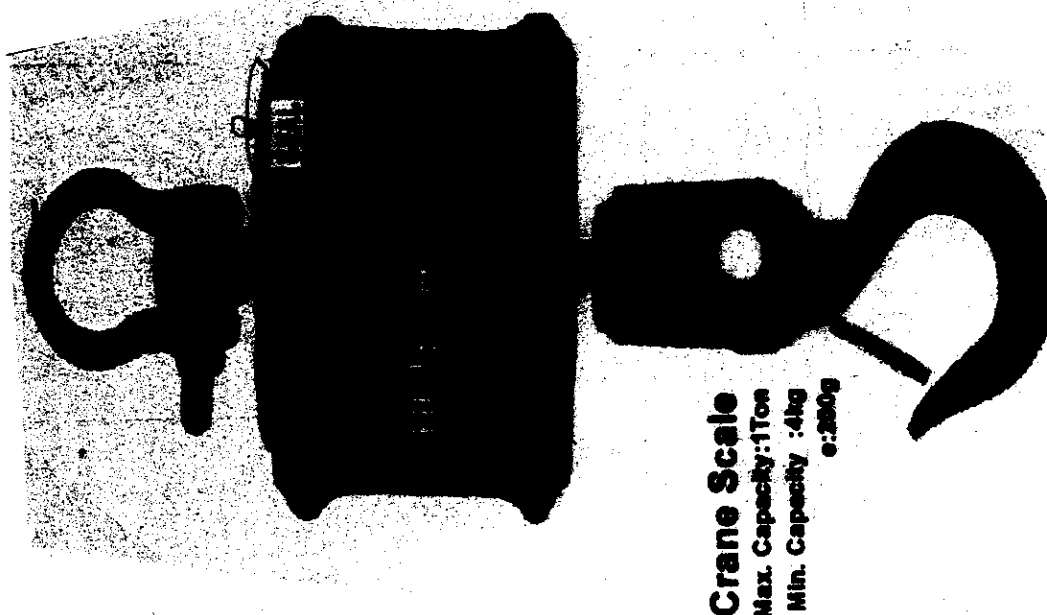
आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th November, 2009

S.O. 3137.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Crane Type) with digital indication of medium accuracy (Accuracy class-III) of series "LNC" and with brand name "Hi-Tech" (hereinafter referred to as the said Model), manufactured by Hi-Tech Weighing Scales, C/o Shree Laxmi Narayan Store, Balichhack Sahi, Jatni-752 050 (Orissa) and which is assigned the approval mark IND/09/09/222;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Crane type) with a maximum capacity of 1000 kg and minimum capacity of 4 kg. The verification scale interval (e) is 200g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.



Sealing point is affixed on the stamping plate is fixed on body of the indicator with the wire, in such a way that the wire passing from the upper and lower body of scale with the lead seal. Sealing shall done to prevent opening of the weighing machine for fraudulent practice. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (97)/2009]

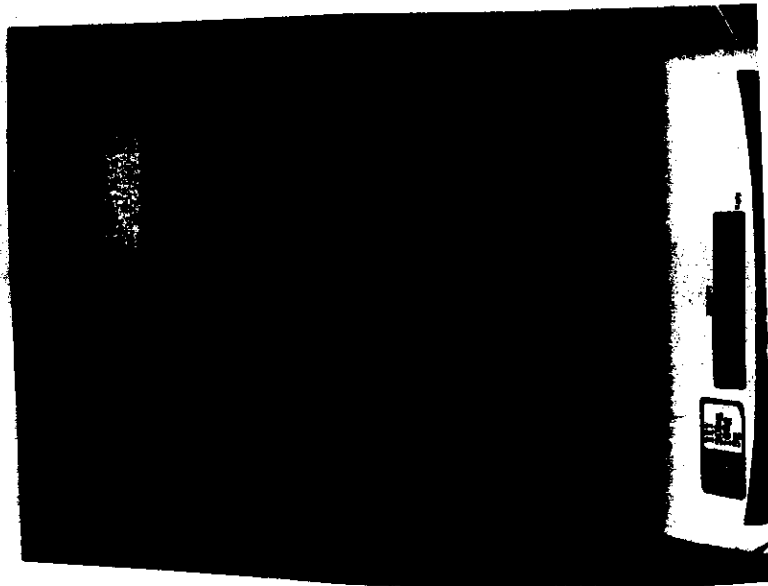
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 9 नवम्बर, 2009

का.आ. 3138.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्रीतम इंटरप्राइजिज, राधा निवास, रूम नं. 1005, राम मंदिर के पास, न्यू चिकन घर, कल्याण (डब्ल्यू) महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "बीएमटी-11." शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "बीपीएल-माइक्रो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/56 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट स्कू से जुड़ा हुआ है औ बाडी के जरिए सील तार को निकाला जाता है और स्टाम्पिंग के लिए सील से जोड़ा जाता है। बाँडी की बेस प्लेट और टॉप कवर के दो छेदों से सील वायर निकाल कर सील लगाई गयी है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड /मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित और 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} , 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (23)/2009]

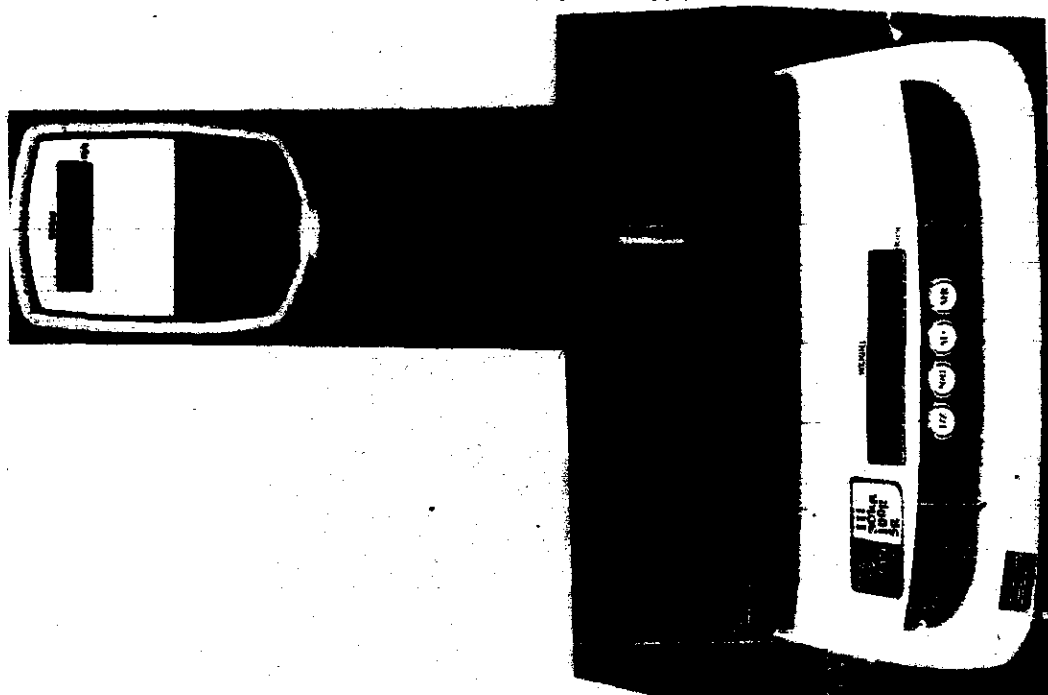
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th November, 2009

S.O. 3138.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions,

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Tabletop Type) with digital indication of medium accuracy (Accuracy class-III) of series "BMT-11" and with brand name "BPI-MICRO" (hereinafter referred to as the said Model), manufactured by M/s. Pritam Enterprises, Radha Niwas, Room No. 1005, Nr. Ram Mandir, New Chikan Ghar, Kalyan (W), Maharashtra which is assigned the approval mark IND/09/09/56;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop Type) with a maximum capacity of 30 kg and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



Stamping plate is fitted with screw & sealing wire passed through body & connected to the seal for stamping. The seal is connected by hole in the base plate & top cover of body, then seal wire is passed through these two holes for attached the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (23)/2009]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 9 नवम्बर, 2009

का.आ. 3139.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्रीतम इंटरप्राइजिज, राधा निवास, रूम नं. 1005, राम मंदिर के पास, न्यू चिकन घर, कल्याण (डब्ल्यू) महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “बीएमपी-7” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “बीपीएल-माइक्रो” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/57 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट स्कू से जुड़ा हुआ है और बॉडी के जरिए सील तार को निकाला जाता है और स्टाम्पिंग के लिए सील से जोड़ा जाता है। बॉडी के बेस प्लेट और टॉप कवर के दो छेदों से सील वायर निकाल कर सील लगाई गयी है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड /मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (23)/2009]

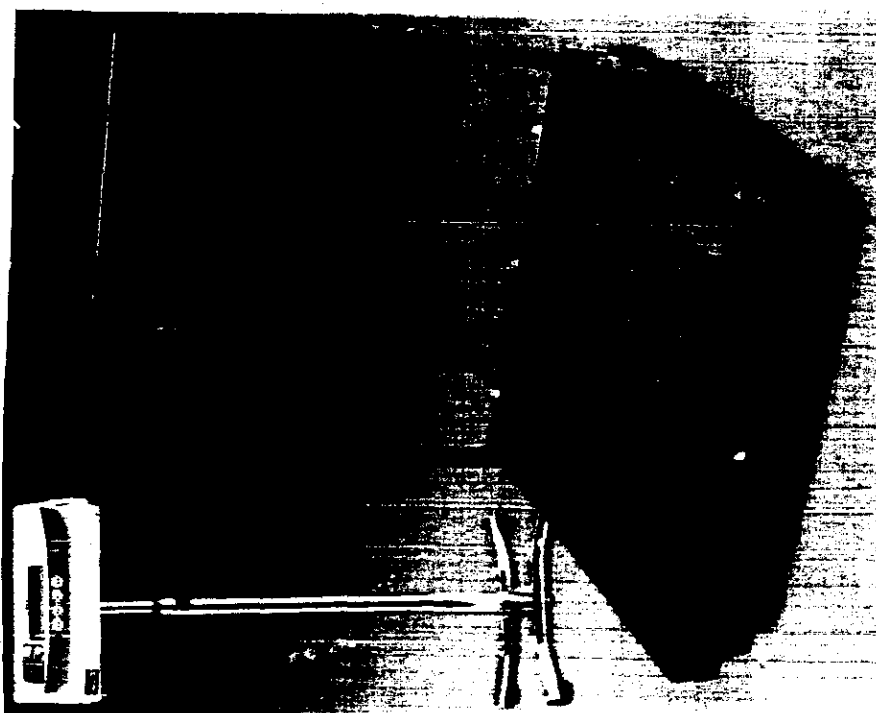
आर. माधुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th November, 2009

S.O. 3139.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform Type) with digital indication of medium accuracy (Accuracy class-III) of series "BMP-7" and with brand name "BPL-MICRO" (hereinafter referred to as the said Model), manufactured by M/s. Pritam Enterprises, Radha Niwas, Room No. 1005, Nr. Ram Mandir, New Chikan Ghar, Kalyan (W), Maharashtra and which is assigned the approval mark IND/09/09/57;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.



Stamping plate is fitted with screw & sealing wire passed through body & connected to the seal for stamping. The seal is connected by hole in the base plate & top cover of body, then seal wire is passed through these two holes for attached the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (23)/2009]

R. MATHURBOOTHAM, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 28 अक्टूबर, 2009

का.आ. 3140.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक में संशोधन किया गया है :-

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1	आई एस 2720 (भाग 13) : 1986	1 अक्टूबर, 2009	31 अक्टूबर, 2009

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो मानक भवन 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 28th October, 2009

S.O 3140.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the amendment to the Indian Standard, particulars of which is given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect.
(1)	(2)	(3)	(4)
1	IS 2720 (Part 13) : 1986	1 October, 2009	31 October, 2009

Copy of the amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Sc. 'F' & Head (Civil Engg.)

नई दिल्ली, 28 अक्टूबर, 2009

का.आ. 3141.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि भारतीय मानकों के विवरण नीचे अनुसूची में दिये गये हैं वे स्थापित हो गए हैं :

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या और शीर्षक	नये भारतीय मानक द्वारा अति- क्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	'IS 15883 (भाग 1) : 2009 निर्माण परियोजना प्रबंधन दिशा निर्देश : भाग-1 सामान्य'		31 जुलाई, 2009

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई, तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 28th October, 2009

S.O. 3141—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established and Title	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
I	'IS 15883 (Part 1) : 2009 Construction Project Management—Guidelines : Part I General'	—	31 July, 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Sc. 'F' & Head (Civil Engg.)

नई दिल्ली, 6 नवम्बर, 2009

क्रा. आ. 3142.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेन्सों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :-

अनुसूची

क्रम सं.	लाइसेन्स संख्या	स्वीकृत करने की तिथि वर्ष/ माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भामा संख्या	भाग	अनु	वर्ष
1	2	3	4	5	6	7	8	9
1.	सीएम/एल 6946801	1-7-2009	प्यूर वाटर टेक्नोलॉजिस सर्वे नं. 49 एंड 71/ए, सैल्फ हैल्फ ग्रुप, रेलवे मेन लेआउट, थनिसंद्रा, एसी पोस्ट, बेंगलौर अरबन बेंगलौर कर्नाटक-560045	पैकेजबंद पेयजल (पैकेजबंद मिनरल जल के अलावा)	भामा : 14543	-	-	2004
2.	सीएम/एल 6950990	3-7-2009	सेनशन केमिकल इंडस्ट्रीज नं. 41ए, केआईएडीबी, करनाड इंडस्ट्रियल एरिया, मुल्की दक्षिण कर्नाडा मंगलौर कर्नाटक-574174	कॉपर सल्फेट	भामा : 261	-	-	1982

1.	2	3	4	5	6	7	8	9
3.	सीएम/एल 6949504	6-7-2009	हंसा मिनरल्स नं.-64, ग्रीन ग्लैन लेआउट, बेल्लान्दुर, मारथहल्ली रिंग रोड, बेंगलौर अरबन, बेंगलौर-560103 कर्नाटक	पैकेजबंद पेयजल (पैकेजबंद मिनरल जल के अलावा)	भामा : 14543	-	-	2004
4.	सीएम/एल 6948401	6-7-2009	नवकर ज्वेल्स एंड डाइमंड्स, 715/2 मोदी हॉस्पिटल मेन रोड, वेस्ट ऑफ कॉर्ड रोड, एक्सटेंशन, महा- लक्ष्मीपुरम, बेंगलौर अरबन, बेंगलौर कर्नाटक	स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्प- कारी शुद्धता एवं मार्किंग	भामा : 1417	-	-	1999
5.	सीएम/एल 6949302	7-7-2009	मनपसंद जेवेलर्स नं. 1960, मिशन हॉस्पिटल रोड मंडी मोहल्ला मैसूर कर्नाटक-570021	स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्प- कारी शुद्धता एवं मार्किंग	भामा : 1417	-	-	1999
6.	सीएम/एल 6950889	8-7-2009	एम.पी. जेवेलर्स 15, चौडेश्वरी टैम्पल स्ट्रीट, बेंगलौर अरबन बेंगलौर कर्नाटक-560002	स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्प- कारी शुद्धता एवं मार्किंग	भामा : 1417	-	-	1999
7.	सीएम/एल 6951083	10-7-2009	मिक्की स्टील वर्क्स प्राइवेट लिमिटेड नं. 21, सी&डी के आईए डीबी इंडस्ट्रियल एरिया अतिबेले पोस्ट बेंगलौर रूरल बेंगलौर-562107 कर्नाटक	प्लेन हार्ड-ड्राउन स्टील वायर फॉर प्रिस्ट्रेस्ड कॉन्क्रिट पार्ट I—कॉल्ड ड्राउन स्ट्रूस रिलिब्ड वायर	IS : 1785	भाग-I		1983
8.	सीएम/एल 6950687	13-7-2009	श्री शंकर जेवेलरी अपोजिट स्टेट बैंक ऑफ मैसूर, एडीआईएल कॉम्प्लेक्स, कंएमसी रोड, विराजपेट, कोडगु- 571218 कर्नाटक	स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्प- कारी शुद्धता एवं मार्किंग	भामा : 1417			1999
9.	सीएम/एल 6952994	13-7-2009	जे.के. इंडस्ट्रिज प्लॉट नं. 443, बाइकम्पाडी इंडस्ट्रियल एरिया, बाइकम्पाडी, मंगलौर-575011 दक्षिण कन्नडा कर्नाटक	ब्लॉक बाइर्स	भामा : 1659			2004

1	2	3	4	5	6	7	8	9
10.	सीएम/एल 6953087	13-7-2009	जे.के. इंडस्ट्रिज प्लॉट नं. 443, बाइकम्पाडी इंडस्ट्रियल एरिया, बाइकम्पाडी, मंगलूर-575011 दक्षिण कन्नडा कर्नाटक	प्लाईवुड फॉर जनरल परपजस	भामा : 303	-		1989
11.	सीएम/एल 6953188	21-7-2009	कूल अक्वा इंडिया नं. 43/44, नेलगदरनहल्ली, नागसंद्रा मेन रोड, बंगलूर-560073 बंगलूर कर्नाटक	पैकेजबंद पेयजल (पैकेजबंद मिनरल जल के अलावा)	भामा : 14543	-		2004
12.	सीएम/एल 6955903	21-7-2009	सिद्दंगा सिमेंट्स प्रा. लिमिटेड सदरहल्ली, शिवकुमार नगर चिक्कनायकनहल्ली तालुक जिला तुमकुर तुमकुर सदरहल्ली, कर्नाटक	पोर्टलैंड स्लैग सिमेंट	भामा : 455	-		1989
13.	सीएम/एल 6955701	22-7-2009	श्री चामुण्डेश्वरी सिमेंट इंडस्ट्रिज वजामंगला, वरुना होब्ली, बन्नूर रोड, मैसूर-570010 कर्नाटक	पोर्टलैंड स्लैग सिमेंट	भामा : 455	-		1989
14.	सीएम/एल 6953895	22-7-2009	श्री गणपति टेक्सटाइल्स एण्ड जेवेलर्स मेन रोड, काल्या गेट मागडी रामनगर बेंगलूर रूरल कर्नाटक- 562120	स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्प- कारी शुद्धता एवं मार्किंग	भामा : 1417	-		1999
15.	सीएम/एल 6954897	23-7-2009	श्री वीरभद्रा स्वामी एंटरप्राइजस नागनायकनहल्ली, मरसूर गेट, आनेकल तालुक बेंगलूर-562106 बेंगलूर अरबन कर्नाटक	पैकेजबंद पेयजल (पैकेजबंद मिनरल जल के अलावा)	भामा : 14543	-		2004

[सं. सीएमडी/13:11]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 6th November, 2009

S. O. 3142.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulation 1988, the Bureau of Indian Standards hereby notifies the licences particular of which are given in the following schedule :

SCHEDULE

Sl. No.	Licences No.	Grant date	Name and Address of the Party	Title of the Standard	IS No.	Part.	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	CM/I.-6946801	1-7-2009	Pure water Technologies Sy. No. 49 & 71/A, Self help group, Railway men layout Thanisandra, AC Post, Bangalore Urban Bangalore Karnataka-560045	Packaged drinking water (other than packaged natural mineral water)	IS: 14543	-	-	2004
2.	CM/I.-6950990	3-7-2009	Sanson Chemical Industries No.41A, KIADB, Karnad Industrial Area, Mulky Dakshin Kannada Mangalore Karnataka-574174	Copper sulphate	IS: 261	-	-	1982
3.	CM/I.-6949504	6-7-2009	Hansa Minerals No. 64, Green Glen Layout, Bellandur, Marathahalli Ring Road, Bangalore-560103 Bangalore Urban Karnataka	Packaged drinking water (other than packaged natural mineral water)	IS: 14543	-	-	2004
4.	CM/I.-6948401	6-7-2009	Navkar Jewels & Diamonds 715/2 Modi Hospital Main Road, West of Chord Road Extension, Mahalakshmiapuram, Bangalore Bangalore Urban Karnataka	Gold and gold alloys, jewellery/ artefacts-fineness and marking	IS: 14173	-	-	1999.
5.	CM/I.-6949302	7-7-2009	Manpasand Jeweller's No. 1960, Mission Hospital Road, Mandi Mohalla, Mysore Karnataka-570021	Gold and gold alloys, jewellery/ artefacts-fineness and marking	IS: 1417	-	-	1999
6.	CM/I.-6950889	8-7-2009	M. P. Jewels # 15, Chowdeshwari Temple Street, Bangalore Urban Bangalore, Karnataka-560002	Gold and gold alloys Jewellery/artefacts-fineness and marking	IS: 1417	-	-	1999

1	2	3	4	5	6	7	8	9
7.	CM/L- 6951083	10-7-2009	Miki Steel Works Pvt. Ltd. No. 21, C&D KIADB Industries Area Attibele Post Bangalore Rural Bangalore-562107 Karnataka	Plain hard-drawn wire for prestressed concrete-part I : cold drawn stress- relieved wire	IS: 1785	Part I	-	1983
8.	CM/L- 6950687	13-7-2009	Shree Shankar Jewellery Opp. State Bank of Mysore, Adil Complex, KMC Road Virajpeth, Kodagu-571218 Karnataka	Gold and gold alloys Jewellery/artefacts- fineness and marking-	IS: 1417	-	-	1999
9.	CM/L- 6952994	13-7-2009	J. K. Industries Plot No. 443, Baikampady Industrial Area, Baikampady, Dakshin Kannada, Manga- lore-575011 Karnataka	Block boards	IS: 1659	-	-	2004
10.	CM/L- 6953087	13-7-2009	J. K. Industries Plot No. 443, Baikampady Industrial Area, Baikampady, Dakshin Kannada, Manga- lore-575011 Karnataka	Plowood for general purposes	IS: 303	-	-	1989
11.	CM/L- 6953188	21-7-2009	Kool Aqua India No. 43/44, Nelagadarana Halli Nagasandra Main Road, Bangalore Urban Bangalore-560073 Karnataka	Packaged drinking water (other than packaged natural mineral water)	IS: 14543	-	-	2004
12.	CM/L- 6955903	21-7-2009	Siddaganga Cements Pvt. Limited Sadarahalli, Shivakumarannagar Chikk- anayakanahalli Taluk Tumkur District Tumkur Sadarahalli, Karnataka	Portland slag cement	IS: 455	-	-	1989
13.	CM/L- 6955701	22-7-2009	Sri Chamundeshwari Cement Industries Vajamangala, Varuna, Hobli, Bannur Road, Mysore-570010 Karnataka	Portland slag cement	IS: 455	-	-	1989
14.	CM/L- 6953895	22-7-2009	Sri Ganapathi Textiles & Jewellers, Main Road, Kalya Gate Magadi Bangalore Rural Ramnagar Karnataka- 562120	Gold and gold alloys, Jewellery/ artefacts- fineness and marking-	IS: 1417	-	-	1999
15.	CM/L- 6954897	23-7-2009	Sri. Veerabhadra Swamy Enterprises Naganayakanahalli, Marasur Gate, Anekal Taluk Bangalore Urban Bangalore, Karnataka-562106	Packaged drinking water (other than packaged natural mineral water)	IS: 14543	-	-	2004

[No. CMD/13:11]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 3 नवम्बर, 2009

का.आ. 3143.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं।

अनुसूची

क्रम संख्या	स्थापित मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 15879 : 2009 ब्रीथिंग वायु संपीडक पैकेज-विशिष्ट	—	30 जून, 2009
2.	आईएस/आईएसओ 3076:1984 (आईएस 6215:1982 का अतिक्रमण) उत्पाक प्रयोजनों के लिए शार्ट लिंक चेन-चेन स्लिंग इत्यादि के लिए ग्रेड टी (8) गैर अभभीधित	आईएस 6215:1982 उत्पाक प्रयोजनों के लिए-शार्ट लिंक चेन ग्रेड टी (8), गैर अभभीधित (प्रथम पुनरीक्षण)	31 मार्च, 2009
3.	आईएस/आईएसओ 2867:2006 (आईएस 10704:1999 का अतिक्रमण) मिट्टी उठाने की मशीनरी-अभिगमन प्रणालियां	आईएस 10704:1999/आईएसओ 2867:1994 मिट्टी उठाने की मशीनरी-अभिगमन प्रणालियां (दूसरा पुनरीक्षण)	31 मार्च, 2009
4.	आईएस 2762:2009 वायर स्लिंग एवं स्लिंग लैस-विशिष्ट (दूसरा पुनरीक्षण)	आईएस 2762:1982 वायर स्लिंग एवं स्लिंग लैस-विशिष्ट (प्रथम पुनरीक्षण)	31 जुलाई, 2009

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम. ई. डी./जी-2:1]

सी. के. वेदा, वैज्ञानिक एफ एवं प्रमुख (एम. ई.)

New Delhi, the 3rd November, 2009

S. O. 3143.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15879:2009 Breathing air compressor package-Specification	—	30 June, 2009
2.	IS/ISO 3076:1984 (Superseding IS 6215:1982) Short link chain for lifting purposes-Grade T (8), Non-calibrated, for chain slings, etc.	Superseding IS 6215:1982 Short link chain-Grade T (8), Non-calibrated for lifting purposes (First Revision)	31 March, 2009

(1)	(2)	(3)	(4)
3.	IS/SO 2867:2006 (Superseding IS 10704:1999) Earth moving machinery-Access systems	Superseding IS 10704:1999/ISO 2867:1994 Earth moving machinery-Access systems (Second Revision)	31 March, 2009
4.	IS 2762:2009 Wire rope slings and sling legs-Specification (Second Revision)	IS 2762:1982 Wire rope slings and sling legs (First Revision)	31 July, 2009

Copy of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kappur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. MED/G-2:1]

C. K. VEDA, Scientist F. & Head (ME)

नई दिल्ली, 5 नवम्बर, 2009

का.आ. 3144.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो ए.आई.एस. द्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिए गया है वह स्थापित हो गया है :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 2381 (भाग 1) : 2009/आई एस ओ 690:1987 सूचना एवं प्रलेखन - बिलियोग्राफिक संदर्भ : भाग 1 विषय प्रारूप और ढांचा (दूसरा पुनरीक्षण)	आई एस 2381:1978	30 जून, 2009

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम. एस. डी./जी-8 अधिसूचना]

निर्मल कुमार पाल, वैज्ञानिक ई एवं प्रमुख (प्रबन्ध एवं तंत्र विभाग)

New Delhi, the 5th November, 2009

S. O. 3144.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard, particulars of which is given in the Schedule hereto annexed has been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 2381 (Part 1) : 2009/ISO 690:1987 Information and documentation - Bibliographic references : Part 1 Content, form and structure (Second revision)	IS 2381:1978	30 June, 2009

Copy of above Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices at Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices at Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref. MSD/G-8 Notification]

NIRMAL KUMAR PAL, Scientist 'E' & Head (Management & Systems Department)

नई दिल्ली, 6 नवम्बर, 2009

का.आ. 3145.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द कर दिया गया है :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	सीएम/एल-6195374	स्टोवक्राफ्ट प्राइवेट लिमिटेड (यूनिट 1) नं. - 81/1, माधोमारनहल्ली, हारोहल्ली होबली, कनकपुरा तालुक, जिला-रामनगर, कर्नाटक-562112	भामा 4246 : 2002 डॉमेस्टिक गैस स्टोव्स फोर यूज विथ लिक्विफाइड पेट्रोलियम गैसस	10 जुलाई, 2009
2.	सीएम/एल-6886607	दीपांजन टेलीकॉमर्स प्राइवेट लिमिटेड प्लॉट नं. 203-बी, हेब्बाल इंडस्ट्रियल एरिया, बेलवाडी पोस्ट, मैसूर-571186 कर्नाटक	भामा 1554 : भाग 1 : 1988 पी वी सी इन्सुलेटेड (हैवी ड्यूटी) इलैक्ट्रिक कोबल्स : पार्ट I फोर 1100 V तक एवं सम्मिलित वकिंग वोल्टेजस	01 जुलाई, 2009

[सं. सीएमडी/13:13]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 6th November, 2009

S. O. 3145.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation 1988, the Bureau of Indian Standards hereby notifies the licences particular of which are given below have been cancelled with effect from the date indicated against each.

SCHEDULE

Sl. No.	Licence No.	Name and Address of the Licensee	Article/process with relevant Indian Standard covered by the licence cancelled/suspension	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	CM/L-6195374	Stovekraft Pvt. Ltd. (Unit 1) No. 81/1, Medamaran Halli, Harohalli Hobli, Kanakapura Taluk, Ramanagara Dist. Karnataka-562112	IS 4246 : 2002 domestic gas stoves for use with liquified petroleum gases	10 July, 2009
2.	CM/L-6886607	Deepanjan Telecoms Private Limited, Plot no. 203-B, Hebbal Industrial Area, Belavadi Post, Mysore-571186 Karnataka	IS 1554 : Part 1 : 1988 PVC insulated (heavy duty) electric cables part I for working voltages upto and including 1100 v	01 July, 2009

[Ref. CMD/13:13]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 6 नवम्बर, 2009

क्रा.आ. 3146.—भारतीय मानक ब्यूरो के भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के उपविनियम (5) के तहत वह अधि सूचित किया जाता है कि निम्नलिखित ब्यौरे वाले लाइसेन्स प्रदान किए जाते हैं :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	पार्टी का नाम व पता (कारखाना)	मानक की उपाधि	भाषा संख्या भाग/ खण्ड व वर्ष
(1)	(2)	(3)	(4)	(5)	(6)
1.	6925688	20090420	मेसर्स सुपरटेक इंडस्ट्रीज एस एफ सं. 764, 2वां स्ट्रीट, पलनीसामी नायडू कॉलनी, कालापट्टी रोड, सिविल एरोड्रॉम पोस्ट, कोयम्बतूर-641014	गहरे कुओं के निम्नजनीय पंप सेट	IS 14220 : 1994
2.	6928593	20090428	मेसर्स महिल इरिगेशन सिस्टम्स 5/132, कुन्नतूर रोड, सीनापुरम, पेरुन्दुरै (तालुक), ईरोड-638057	सिंचाई उपकरण-सिंचाई लेटरल्स के लिए पॉलीएथिलीन पाइप्स	IS 12786 : 1989

[सं. सीएमडी/13:11]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 6th November, 2009

S. G. 3146.—In pursuance of sub-regulation (5) of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the grant of licence particular of which are given in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address (Factory) of the Party	Title of the Standard	IS No. Part/ Sec. Year
(1)	(2)	(3)	(4)	(5)	(6)
1.	6925688	20090420	M/s. Super Teck Industries SF No. 764, 2nd Street, Palanisamy Naidu Colony, Kalapatty Road, Civil Aerodrome Post, Coimbatore-641014	Openwell Submersible Pumpsets	IS 14220 : 1994
2.	6928593	20090428	M/s. Mahil Irrigation Systems 5/132, Kunnathur Road, Seenapuram, Perundurai (Tk), Erode-638057	Irrigation Equipment-PE pipes for irrigation laterals	IS 12786 : 1989

[No. CMD/13 : 11]

P. K. GAMBHIR, Dy. Director General (Marks)

(जयपुर शाखा कार्यालय)

जयपुर, 6 नवम्बर, 2009

का.आ. 3147.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम (4) के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेन्सों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिये गए हैं :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	चालू तिथि	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक व संबंधित भारतीय मानक
(1)	(2)	(3)	(4)	(5)
अगस्त, 2009				
1.	3038242	29-07-2009	मै. अनुष्ठान प्लास्टिक्स प्रा. लि., गंगोत्री के सामने, बाड़ी-तुर रोड, फेनियों का गुडा, उदयपुर-313 001	इरीगेशन इक्विपमेंट-स्प्रिंकलर पाइप्स-क्विक कपल्ड पोलिथिलीन पाइप्स 14151 (भाग 2) : 1999
2.	3038343	29-07-2009	मै. शिवप्रिया केबल्स प्रा. लि., एफ-122, 123 चौपांकी औद्योगिक क्षेत्र, धिवाडी-301 019 अलवर	एरियल बंडल केबल्स फॉर वॉकिंग वोल्टेज अपटू एण्ड इनक्यूडिंग 1100 वोल्ट्स 14255 : 1995
3.	3038646	29-07-2009	मै. श्री कृष्ण कृपा ज्वैलर्स प्रा. लि., एफ-22, गौतम मार्ग, वैशाली नगर, जयपुर-302021	स्वर्णाभूषणों की हॉलमार्किंग 1417 : 1999
4.	3038747	31-07-2009	मै. श्री कृष्ण कृपा ज्वैलर्स प्रा. लि., एफ-22, गौतम मार्ग, वैशाली नगर, जयपुर-302 021	चाँदी के आभूषणों की हॉलमार्किंग 2112 : 2003
5.	3039345	4-08-2009	मै. वीके प्लास्ट, ई-109, औद्योगिक क्षेत्र, बगरू विस्तार, फेज-II, बगरू	इरीगेशन इक्विपमेंट-स्प्रिंकलर पाइप्स-क्विक कपल्ड पोलिथिलीन पाइप्स, 14151 (भाग 2) : 1999
6.	3039951	04-08-2009	मै. बी. एन. सन्स, जी-07, आकेड़ा इंगर, विश्वकर्मा औद्योगिक क्षेत्र, जयपुर-302 013	पीवीसी इन्सुलेटेड केबल्स 694 : 1990; पीवीसी इन्सुलेटेड केबल्स 694 : 1990
7.	3043134	18-08-2009	मै. गंगा स्प्रिंकलर पाइप्स प्रा. लि., प्लॉट नं. 2, बजरंग विहार, एन. एच. 11, रीको औद्योगिक क्षेत्र के पास, बस स्टैंड, जैतपुरा, चौमूं	इरीगेशन इक्विपमेंट- स्प्रिंकलर पाइप्स-क्विक कपल्ड पोलीथिलीन पाइप्स 14151 (भाग 2) : 1999
8.	3043336	18-08-2009	मै. गंगा स्प्रिंकलर पाइप्स प्रा. लि., प्लॉट नं. 2, बजरंग विहार, एन. एच. 11, रीको औद्योगिक क्षेत्र के पास, बस स्टैंड, जैतपुरा, चौमूं	4984 : 1995 एचडीपीई पाइप्स फॉर पोटेबल वॉटर सप्लाय

[सं. सी एम डी/13 : 11]

पी. के. गम्भीर, उपमहानिदेशक (मुहर)

(Jaipur Branch Office)

Jaipur, the 6th November, 2009

S. O. 3147.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification Regulation) 1988, the Bureau of Indian Standards, hereby notifies the grant of licence particulars of which are given in the following schedules :

SCHEDULE

Sl. No.	Licence No. (CM/L-)	Operative Date	Name and Address of the Licensee	Article/Process Covered by the licences and the relevant IS : Designation
(1)	(2)	(3)	(4)	(5)
AUGUST 2009				
1.	3038242	29-07-2009	Anusthan Plastics Pvt. Ltd. Opp. Gangotri, bari-thur road, Feniyan ka guda Udaipur-313 001	Irrigation Equipment-Sprinkler Pipes-Specification-Part 2 : Quick Coupled Polyethylene Pipes 14151 (Pt. 2) : 1999
2.	3038343	29-07-2009	Shivpriya Cables (P) Ltd. F-122, 123, Chopanki Industrial Area, Bhiwadi-301 019 Alwar	Aerial Bunched Cables for working voltages upto and including 1100 Volts-specification 14255:1995
3.	3038646	29-07-2009	Shri Krishna Kripa Jewellers Private Ltd., F-22, Gautam Marg, Vaishali Nagar, Jaipur-302 021	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking-Specification 1417 : 1999
4.	3038747	31-07-2009	Shri Krishna Kripa Jewellers Private Ltd., F-22, Gautam Marg, Vaishali Nagar, Jaipur-302021	Silver and Silver Alloys, Jewellery/Artefacts-Fineness and Marking-Specification 2112 : 2003
5.	3039345	04-08-2009	Veekay Plast, E-109, Industrial Area, Bagru Extension Phase-II, Bagru	Irrigation Equipment- Sprinkler Pipes - Specification Part 2 : Quick Coupled Polyethylene Pipes 14151 (Pt. 2) : 1999
6.	3039951	04-08-2009	B. N. Sons, G-07, Akera Doongar V. K. I. Area, Jaipur-302 013	PVC Insulated cables for working Voltages upto and including 1100 V 694 : 1990
7.	3043134	18-08-2009	Ganga Sprinkler pipes Pvt. Ltd., Plot No. 2, Bajarang Vihar, N. H. 11, Near RHICO Area, Bus Stand Jaitpura, Chomu	Irrigation Equipment-Sprinkler Pipes-Specification-Part 2 : Quick Coupled Polyethylene Pipes 14151 (Pt. 2) : 1999
8.	3043336	18-08-2009	Ganga Sprinkler Pipes Pvt. Ltd., Plot No. 2, Bajarang Vihar, N. H. 11, Near RHICO Area, Bus Stand Jaitpura, Chomu	High Density Polyethylene Pipes for potable water supplies 4984 : 1995

[No. CMD/13 : 11]

P. K. GAMBHIR, Dy. Director General (Marks)

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 23 अक्टूबर, 2009

का.आ. 3148.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिजर्व बैंक आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 1/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-10-2009 को प्राप्त हुआ था।

[सं. एल-12011/2/2000-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 23rd October, 2009

S.O. 3148.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.1/2006) of the Central Government Industrial Tribunal No.2, Mumbai as shown in the Annexure, in the Industrial Dispute between the management of Reserve Bank of India and their workmen, received by the Central Government on 22-10-2009.

[No. L-12011/2/2000-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI****PRESENT**

A. A. Lad, Presiding Officer

Reference No. CGIT-2/1 of 2006

Employers in Relation to the Management of Reserve Bank of India

The Chief General Manager,
Reserve Bank of India
Main Building
Shahid Bhagat Singh Road,
Mumbai-400001.

And their Workmen

All India Reserve Bank
Employees Federation,
C/o. RBI Staff Canteen
Amar Building, 2nd Floor
Sir P. M. Road
Mumbai-400001.

APPEARANCESFor the Employer : Ms. Jonaki Sain,
Representative.For the Workmen : Mr. M.B. Anchan,
Advocate.

Mumbai, dated 16th September, 2009

AWARD

1. The Government of India, Ministry of Labour by its Order No. L-12011/2/2000-IR (B-I) dated 28-12-2005 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :—

“Whether the demand raised by All India Reserve Bank Canteen Employees Federation against the management of Reserve Bank of India vide their letter dated 23-3-98 address to the Governor, RBI (Copy enclosed) justified? If so, to what relief the concerned workmen are entitled?”

2. Claim statement is filed by second party union at Ex-8 and written statement by first party at Ex-10. Matter was fixed for framing issues.

3. However by Purshis Ex-19, union prayed to permit them to withdraw the reference. Hence the order :

ORDER

Vide Ex-19, reference is disposed off for want of prosecution.

Date : 16-9-2009

A. A. LAD, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, AT MUMBAI

Reference No. CGIT-2/1 of 2006

Employers in relation to the management of Reserve Bank of India

And

Their Workmen

MAY IT PLEASE THIS HON'BLE TRIBUNAL

In the above matter, the management has assured us that they will consider on demands favourably. Hence, we are not pressing our demands and as such the same may disposed off.

Mumbai

Dated : 3-9-2009

For All India Reserve Bank
Canteen Employees Federation,
KESHAV K. MOOLYA, General Secretary

नई दिल्ली, 23 अक्टूबर, 2009

का.आ. 3149.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 23/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-10-2002 को प्राप्त हुआ था।

[सं. एल-12012/412/2001-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 23rd October, 2009

S.O. 3149.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.23/2002) of the Central Government Industrial Tribunal No. 2, Mumbai as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-10-2009.

[No. L-12012/412/2001-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 2, MUMBAI**

PRESENT

A. A. Lad, Presiding Officer

Reference No. CGIT-2/23 of 2002

Employers in Relation to the Management of State Bank of India, Zonal Office

The Assistant General Manager (Ops.),
State Bank of India
Madhuli Building, 1st Floor
Annie Besant Road,
Near Poonam Chambers
Mumbai-400018.

And their Workmen

The General Secretary,
State Bank of India Staff Union
68/86, Harkoovarbai Building
Pandit Bakle Path
Thakurdwar Road
Mumbai-400002.

APPEARANCES

For the Employer : Mr. M. G. Nadkarni
Advocate

For the Workmen : Mr. R.B. Chavan
Advocate.

Mumbai, dated 24th August, 2009.

AWARD PART-I

The Government of India, Ministry of Labour by its Order No. L-12012/412/2001-IR (B-I) dated 6-3-2002 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of State Bank of India Mumbai dismissing the services of Mr. S. G. Kokate, an ex-Daftary, with effect from 29-3-2000 justified? If not, what relief the workman concerned is entitled?"

2. Claim statement is filed by the General Secretary of the Union at Ex-8 making out case that, the concerned workman Shri S. G. Kokate was working with the first party. When he was working as Daftary at Worli Sea face Branch, his services were illegally terminated and the said action was taken without following due process of law. He was illegally terminated. Enquiry conducted was a farce. Charges were vague. No opportunity was given to the concerned workman to test the evidence of the first party. The witnesses were not made available for cross to the concerned workman. No opportunity was given to the concerned workman to justify the documents and evidence on which the management relied and observed concerned workman guilty of the charges. The report of the investigations made by one Mr. Prabhu was not made available for cross and as such said report was not justified. He was not examined by the Inquiry Officer. Even said witness was not made available for cross to justify his report. Bank Manager who submitted report was also not examined and made available for cross. Concerned workman when was on leave was called and some writing was taken from him. First party relied on it and treated it as an admission of concerned workman and acted upon it and proceeded to terminated his services without any reason. So it is submitted that, enquiry was not conducted by following due process of law, finding given by the Inquiry Officer is perverse and the punishment awarded is disproportionate.

3. This is disputed by the first party by filing written statement at Ex-10 stating and contending that, the case made out by the second party in the Statement of Claim is not admitted to it. It is denied that, inquiry was not conducted by following due process of law. It is denied that, no opportunity was given to the concerned workman. It is denied that documents and witnesses were not made available to the concerned workman to testify them. It is denied that, Inquiry Officer did not follow the procedure and conducted inquiry as per his own ideas. It is denied that, Inquiry Officer was not having evidence before him to conclude against the concerned workman. According to first party, no case is made out by second party. Nothing is stated by the second party about the charges leveled against the concerned workman. There were serious charges leveled against the concerned workman of not depositing the amount of customers but in reality depositing less amount in the account of the concerned customers than the actual amount given for deposit. Such instances were noted and were admitted by the concerned workman and since it was a serious offence and admitted by the concerned workman, punishment awarded was just and proper and does not require any interference.

4. Rejoinder was filed by second party at Ex.-11 stating and contending that whatever he has stated in claim statement is true and correct and whatever stand taken by first party in written statement is not admitted to him. He further contended that, charge of misconduct was not proved against him and no full opportunity was given to him in the inquiry. He denied the so called contention taken by the first party and deny the complaint of Gajmal and

denied that he admitted the charges leveled by Mrs. Gajmal. He prayed to reinstate with ancillary benefits.

5. In view of above contention, my Learned Predecessor framed issues at Ex.-12. Out of them, issues nos. 1 and 2 were treated as preliminary issues which were on the point of fairness of inquiry and perversity of findings. By passing part-I award on 15-11-2007, this Tribunal observed inquiry not fair and proper and findings perverse. This Tribunal directed both parties to appear on the point of action taken by the first party against the concerned workman.

6. So now, issue of decision taken by first party against the concerned workman remains which is taken for consideration and framed at Sr. No.3 of Ex.-12 and answered as follows :

Issues	Findings
(iii) Whether the action of the management of State Bank of India, Mumbai in dismissing the services of Mr. S. G. Kokate an ex-Defitary w.e.f. 29-3-2000 is justified?	Yes.
(iv) What relief the workman concerned is entitled?	No relief.

Reasons

Issues Nos. 3 & 4:—

7. By raising dispute of termination, second party claim that he was illegally terminated and prayed to reinstate. It is his case that, he never gave confession on which officer of first party relied and held him guilty of misconduct. It is his case that, by bringing pressure, said confession was obtained from him. His case is that he never admitted guilt of charge of misconduct and responsible for alleged act.

8. At the time of passing Part-I award, the affidavit filed by second party remained unchallenged where in he claimed that no opportunity was given and inquiry was not fair and proper. Even he claims that, findings of Inquiry Officer was preverse. Since said witness was not cross-examined by first party and since no inquiry proceedings was placed on record by first party, this Tribunal observed inquiry not fair and proper and findings perverse.

9. Now, this time first party justify its action of termination, examined four witnesses. Witness Prabhakar T. Prabhu was examined by first party by filing his affidavit at Ex.-29 in lieu of examination-in-chief where in he speaks about complaint given by Asha Gajmal alleging that, she gave Rs. 5000 to second party workman Kokate to open new savings account. She alleged that second party Kokate accepted Rs. 5000 and gave counterfoil with entry of Rs. 5000 but actually deposited Rs. 500 mentioning said in the pay in slip. She alleges that, even Kokate gave pass book by making entry of Rs. 5000 in her savings account though actually he deposited Rs. 500 in her account. She further alleges that, her father gave Rs. 30,000 to Kokate

to keep it in the Bank as fixed deposit. She alleges that, Kokate accepted said amount and prepared passbook of Rs. 30,000 and gave it to her father but actually Kokate did not deposit said amount in the Bank. Even this witness alleges that, Kokate was called through Bank's watchman and on approaching Bank he admitted the complaint of Gajmal and made a confessed in writing to that effect as well as deposited Rs. 12,000. In the cross, this witness stated that, except these allegations, no other charge was leveled against second party. Even this witness alleges that except that complaint no other grievances about his work are there against second party. Even he admits that, in the inquiry, father of Asha Gajmal was not examined. Even witness admits that father of Asha Gajmal did not complain about money not deposited by concerned workman. It is admitted by this witness that, concerned workman was working as Daftary and is not concerned with account opening activity. He admits that, he was present at the relevant time in the bank and he did not note any abnormal things during that period. He admits that, second party was of helping nature. He also admits that, deposit slip is at Ex.-27 by which Asha Gajmal has opened account and it bears signatures of Ms. Asha Gajmal, complaint and Warang the Cashier of the Bank. Then management examined Smt. Vijayanti S. Saraf by filing her affidavit at Ex-31 in lieu of examination-in-chief and where she speaks about attendance of second party on 11-12-1997 when alleged confession letter was written by him. In the cross, this witness states that it was morning busy schedule of the bank She stated that, second party was present and was writing in her presence. She states that, Kokate took 25 to 30 minutes to write that. Then management examined N.M. Warang at Ex.-32 by filing affidavit in lieu of examination-in-chief who speaks Kokate's visit on 2-5-1996 when account of Asha Gajmal was opened, when he worked as a Cashier and accepted Rs. 500 given by Kokate. In the cross this witness admits that, there was crowd in the Bank as it was beginning of the month. Even he admits that he do not know Asha Gajmal. He admits that, he learnt from Kokate about her. Even he unable to gather whether Asha Gajmal was present or not on that date in the Bank. He admits that Ex.-27 is about Rs. 500 and not more than that amount.

10. Then management examined Asha Gajmal by filing her affidavit at Ex.-33 in lieu of examination-in-chief who narrated all the story of her attending Bank on 2-5-1996 to open savings account. She also states about Rs. 30,000 given by her father to Kokate, second party workman, to keep it in the bank as fixed deposit. In the cross, she states that, her father was working in Police Department who was a Constable. She states that she did not know Kokate but came to know on 2-5-1996. She states that, though she was married, she opened her account in her old name. She admits that her father did not complain about concerned workman and on that management closed evidence by filing purshis at Ex.-34.

11. Whereas second party examined himself by filing his affidavit at Ex.-35 in lieu of examination-in-chief where he gave all story again regarding fairness of inquiry, as well as finding of Inquiry Officer and claimed that he is not

responsible for said misconduct as alleged. In the cross he admits that, he did not complain about alleged confession taken force from him in writing before Prabhu. He admits that he was working as Daftary in the branch. He admits that, he has not complained about Prabhu alleging that by using force he took that writing. On that he closed evidence by filing purshis Ex.-36.

12. Written Arguments are submitted by First party at Ex. 37 with citation which is replied by second party by filing written arguments at Ex. 39 with some citations.

13. Perused written submission of both and the citations referred by them.

14. Here, case of second party revolve around alleged confession made by him on which bank rely. Copy of said confession is produced with Ex-27 page 5 & 6 where he has written in his hand writing that Rs. 5000 was given by Ms. Asha Gajmal to open savings account but actually he deposited Rs. 500 and gave slip of Rs. 5000 by adding one zero on her receipt. Even in another confession, he admits that her father had given him Rs. 30,000 to keep it in Bank as fixed deposit for six months. There he admitted that, instead of keeping said in the bank, he kept it with him and gave pass book mentioning Rs. 30,000. Here it is to be noted that, second party is not disputing the handwriting and contents of writing from copy of documents produced at page 5 & 6 of Ex-27. His case is that, said was taken by using force. However as referred above, second party in his cross admits that, he did not complain about said confession allegedly taken by using force. Even he admits that he has not complained about Prabhu alleging that he used force to take writing. He admits that, he did not complain anywhere about said act of the bank. That means concerned workman admits that, he gave said writing voluntarily admitting that he kept Rs. 4,500 in his custody and Rs. 30,000 of Asha Gajmal and her father respectively. One also cannot ignore that father of Asha Gajmal was in police.

15. Here, charge of misconduct was leveled against concerned workman. Bank has produced copy of complaint of Gajmal and copy of challan given to Gajmal of Rs. 5000 as well as counter slip of bank mentioning Rs. 500 regarding same transaction at page 3 and 4 of Ex-27. Said supports the story of the bank which reveals that concerned workman gave counter foil of Rs. 5000 to Ms. Asha Gajmal but actually he deposited Rs. 500 by mentioning said on the copy of challan of the bank which was mentioned in the account of Asha Gajmal as a deposit of Rs. 500. Besides concerned workman deposited Rs. 10,000 as a penalty and he has not complained about said any where nor he claim it from Bank nor he filed any complaint against bank to recover said amount.

16. No doubt, Bank has not produced Inquiry proceeding but has produced copy of findings of Inquiry Officer. When Bank rely on the confession of second party workman and concluded second party guilty of misconduct, as far as this is concerned, it is not challenged by the

second party except saying that, said was taken by force. However as stated above, second party did not complain about alleged act of bank by alleging that, Bank by using force obtained confession in writing from him. Even he admits that, he has not complained against Prabhu. When that is the fact, it required to be considered in the light of evidences produced by the Bank and the stand taken by second party. Though enquiry was held not fair and proper and findings on said enquiry was observed perverse, one has to consider what actually happened and what actually transpired? As stated above, charge of misconduct was levelled against second party. First party has succeeded in showing that concerned workman was involved in the misconduct as far as case of Asha Gajmal is concerned. Bank has succeeded in showing that concerned workman is guilty of misconduct by not acting properly with the customers of the bank. Even Bank succeeded in showing that, concerned workman misused power while working as Daftary of the Bank and cheated customers of the bank.

17. One has to note that, Bank is trustee and custodian of the money of the public. If allegations of this type are levelled against such employee and are proved, one cannot ignore such incident as it spreads in the staff and gives bad signal. Here according to me, the evidence brought on record and case made out by first party bank is more than sufficient to conclude that, employee of this type does not deserve any leniency as expected by second party. So I conclude that, punishment awarded against concerned workman of dismissal is just and proper and does not require any interference.

18. First party has referred some citations more precisely citations published in AIR 1996 SC 1249, where it is observed that, punishment of dismissal in case of misappropriation is just and proper. Even citation published in 2002 II LLJ SC 1599 where Apex Court observed that a bank deals with public moneys and misappropriation of that money must be treated very differently. It also observed that such misconduct cannot be taken lightly. Same view is taken by Apex Court while deciding case of Ganesh Santa Ram Sirur V/s. State Bank of India & anr. published in AIR 2005 SC 314 and citation published in 2003 (3) SCC 605. As far as citations referred by the second party's advocate are concerned, it is on the point of confession and on the point of enquiry which is not subject matter at this stage to consider since we are on the point of action taken by the management against concerned workman.

19. Considering all these and case made out by both, I conclude that action of the management in dismissing the services of concerned workman is just and proper and does not require interference. Hence the order:

ORDER

Reference is rejected.

Dated : 24-8-2009

A. A. LAD, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2009

Mumbai, dated 4th September, 2009.

का.आ. 3150.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 34/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-10-2009 को प्राप्त हुआ था।

[सं. एल-12012/6/2000-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 23rd October, 2009

S.O. 3150.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 34/2000) of the Central Government Industrial Tribunal No. 2, Mumbai as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-10-2009.

[No. L-12012/6/2000-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

A. A. Lad, Presiding Officer

Reference No. CGIT-2/34 of 2000

Employers in Relation to the Management of State Bank
of India.State Bank of India,
Office of the Deputy General Manager, Zone-I,
Old Prabhadevi Road,
Mumbai-400 025.

And Their Workmen

Smt. Meena Ghosalkar,
C/o The Deputy General Secretary,
State Bank of India Karmachari Sena,
State Bank of India, Zonal Office,
Old Prabhadevi Road,
Mumbai-400 025.

APPEARANCES

For the Employer : Mr. M. G. Nadkarni,
Advocate.For the Workmen : Mr. J. H. Sawant,
Advocate.

AWARD

1. The Government of India, Ministry of Labour by its Order No. L-12012/6/2000-IR(B-1) dated 23-5-2000/30-5-2000 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of State Bank of India, Mumbai by not regularising the services of Smt. Meena Ghosalkar is justified? If not, then what relief the workman is entitled to?”

2. Claim statement is filed by the concerned workman at Ex.-7 which is denied by the first party by filing written statement at Ex.-10. Issues were framed at Ex.-11. Even this reference was disposed of once, by passing award on 5-2-2003. Then it was restored on the strength of order passed in Misc. Appin. CGIT-2/1 of 2003.

3. Now by Ex-21 second party reported that he does not want to proceed with the reference. Hence the order:

ORDER

In view of Ex.-21, reference is disposal of for want of prosecution.

Date: 4-9-2003

A. A. LAD, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Reference No. CGIT-2/34 of 2002

State Bank of India

...First Party

V/s.

Their Workman Smt. Meena Ghosalkar ...Second Party

Application for disposal of Reference for want of
Prosecution.

MAY IT PLEASE YOUR HONOUR

Your Honour may be pleased to dispose of the Reference for want of prosecution as instructed by the workman.

Mumbai

JAIPRAKASH SAWANT

Date: 4-9-2009

Adv. for Second Party

Hon'ble Tribunal

may pass appropriate
orders in the matter

Sd/- 4-9-2009

(M. G. NADKARNI)

Adv. for First Party (SBI)

नई दिल्ली, 26 अक्टूबर, 2009

क्र.अ. 3151.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध निरक्षरों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 33/2006 को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-2009 को प्राप्त हुआ था।

[सी.एल-42011/19/2006-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 26th October, 2009

S.O. 3151.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 33/2006) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workmen, which was received by the Central Government on 26-10-2009.

[No. L-42011/19/2006-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE DR. R. K. YADAV PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 1, NEW
DELHI, KARKARDOMA COURT COMPLEX, DELHI

I. D. No. 33/2006

Md. Wasim Akhta Raja S/o Late Md. Zameef Ahmed,
C/o All India CPWD (MRM) Karanchari Sangathan,
House No. 4823, Gali No. 13,
Balbir Nagar Extension,
Shahdara, New Delhi - 110032Workman

Versus

The Executive Engineer,
Electrical Divn. -XI, CPWD
I.A.R.I. Pusa, New Delhi - 110012Management

AWARD

Wasim Akhta Raja joined services with CPWD as Mechanic (AC&R) w.e.f. 16-1-82. He rendered continuous service of 240 days and his services were regularized in the post of Khalasi w.e.f. 24-8-1993. He claimed regularization of his services from the date of his initial employment. When his demand was not accepted by the management, he raised an industrial dispute before the Conciliation Officer. Since conciliation proceedings came to an end, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-42011/19/2006-IR (DU), New Delhi, dated 03-08-2006, with following terms.

"Whether the demand of workman Md. Wasim Akhta Raja, Mechanic (AC&R), seeking regularization w.e.f. 16-1-82 from the management of the Executive Engineer, Electrical Division XI, CPWD, IARI, Pusa, New Delhi, is just, fair and legal? If yes, to what relief the workman is entitled to and from which date?"

2. Claim statement was filed on his behalf pleading therein that he was employed as Mechanic (AC&R) w.e.f. 16-1-1982. It was projected that Md. Wasim Akhta Raja joined on 16-1-1982 and his services were regularized w.e.f. 24-8-1993, which is a lower post than his then post of mechanic. He rendered 240 days continuous service with the management from the date of his employment till the date of his regularization. There are three wings under CPWD viz. Electrical, Civil and Horticulture, where several daily rated workmen are employed by the management. The Apex Court in Surinder Singh's case 1986 (1) SCC page 639 gave a command to the management to regularize services of its daily rated workmen, from the date of their initial employment, who have put in six months of continuous service. Accordingly Director General (Works) CPWD issued order dated 23-8-88 for regularization of muster roll employees. Horticulture Wing of the management regularized service of its daily rated workmen by 7-12-88, while electrical and civil wing did not take any action in that behalf. The workman is covered under the provisions of the Payment of Gratuity Act, 1972 (in short the Act) and orders were issued in that regard by the management on 27-6-2006. Ram Khilari, a similarly situated workman raised by an industrial dispute and Industrial Tribunal Government of NCT, Delhi gave an award for regularization of his services from the date of his initial employment. Workman is eligible for regularization of their services from the date of his initial employment. It has been claimed that the management may be commanded to regularize his services from the date of his initial employment.

3. Contest was given to the claim statement pleading therein that the workman was working on muster roll with the management and his services were regularized from the date mentioned by him in the claim statement. His contention that he is eligible for regularization of his services from the date of his initial engagement, is false. The Apex Court in Surinder Singh's case (supra) never directed the management to regularize services of muster roll employees from the date of their initial employment. In compliance of the order of the Apex Court, 8982 posts were created in September, 92 and thereafter all workers were regularized in services from perspective dates and not from the date of their initial engagement, in various precedents Apex Court ruled that employees selected on daily wages nowhere automatically became regular from the date of their initial employment, even if they perform duties similar to the regular employees. The workman cannot claim regularization from the back date. When vacancies were

available for them their services were regularized. It has been projected that his claim for regularization from the date of their initial employment is false.

4. During the course of adjudication, a settlement was arrived at between the parties. Shri K.L. Malhotra, Executive Engineer, Electric Division 11, I.A.R.I. Complex, CPWD, New Delhi assured the workman that circular dated 26-6-06 issued by the Director General, (Works) CPWD in respect of payment of gratuity to casual, muster roll, hand receipt or daily rated worker of CPWD shall be implemented in his case. In view of that assurance, Shri Brij Pal Singh, the Regional Secretary of All India CPWD (M.R.M.) Karamchari Sangathan, who was authorized representative of the workman, made a statement on his behalf that the workman does not press his claim for regularization in the services from the date of his initial employment. Consequently, the workman gave up the contest of his demands for regularization of his services from the date of his initial employment, in case management complies the aforesaid circular.

5. Circular No.29/77/2000-EC10 New Delhi dated 26-6-2006 was issued by the Director General (Works) CPWD in respect of payment of gratuity to its casual, hand receipt and muster roll workers under the Act. The said circular makes it clear that the matter was examined in consultation with the Ministry of Urban Development and Ministry of Labour and it was clarified that the Act is applicable to casual, muster roll, hand receipt and daily rated workers of the CPWD. Consequently all ADVs, CS, SCS, S.C. coordination, Executive Engineer, Directorate of Horticulture, Additional Directorate of Horticulture, Deputy Director of Horticulture. All Deputy Welfare Labour Commissioners and Assistant Labour Welfare Commissioners were requested to make payment of gratuity to casual muster roll, hand receipt and daily rated workers of CPWD as admissible under the Act. It was further mentioned therein that the current/pending court cases on the similar issue may be defended or got settled accordingly. Therefore, it is evident that the management admits the claim of all casual muster roll, hand receipt or daily rated workers of the CPWD for payment of gratuity under the Act.

6. In view of the fact that the contest was given up by the workman for regularisation of his services from the date of initial employment and management assures compliance of the aforesaid circular, it is expedient to command the management to record services rendered by Md. Wasim Akhtar Raja as muster roll employee in his service book, which services would be taken into account for payment of gratuity under the Act, at the time of his superannuation or death, as the contingency arise. An award is accordingly passed. It may be sent to the appropriate Government for publication.

Dated: 12-10-09

DR. R. K. YADAV, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2009

का.आ. 3152.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 17/2007 को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-2009 को प्राप्त हुआ था।

[सं. एल-42011/31/2006-आई आर (डीयू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 26th October, 2009

S.O. 3152.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/2007) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workmen, which was received by the Central Government on 26-10-2009.

[No. L-42011/31/2006-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 1, NEW
DELHI KARKARDOOMA COURT COMPLEX,
DELHI

I. D. No. 17/2007

Dated: 6-10-09

Ram Kishan, Operator,
C/o All India CPWD (MRM) Karamchari Sangathan,
House No.4823, Gali No. 13,
Balbir Nagar Extension,
Shahdara, New Delhi - 110032

..... Workman

Versus

The Executive Engineer,
Electrical Divn. -V, CPWD
Sewa Bhawan, R. K. Puram,
New Delhi.

2. The Superintending Engineer,
Coord. Circle (Elect.), CPWD
East Block, R. K. Puram,
New Delhi

.....Management

AWARD

Ram Kishan joined services with CPWD as Assistant Pump Operator w.e.f. 29-1-79. He rendered continuous service of 240 days and his services were regularized in the post of Khalasi w.e.f. 28-8-1984. He claimed regularization of his services from the date of his initial employment. When his demand was not accepted by the management,

he raised an industrial dispute before the Conciliation Officer. Since conciliation proceedings came to an end, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-42011/31/2006-IB (DU), New Delhi, dated 19-02-2007, with following terms :

“Whether the demand of All India CPWD (M.R.M.) Karamchari Sangathan for regularization of Shri Ram Kishan from the Date of his initial employment on muster roll, is legal and justified ? If yes, to what relief the workman concerned is entitled to and from which date ?”

2. Claim statement was filed on his behalf pleading therein that he was employed as Assistant Pump Operator w.e.f. 29-1-79. It was projected that Ram Kishan joined on 29-1-79 and his services were regularized w.e.f. 28-8-84 which is a lower post than his then post of Assistant Pump Operator. He rendered 240 days continuous service with the management from the date of his employment till the date of his regularization. There are three wings under CPWD viz. Electrical, Civil and Horticulture, where several daily rated workmen are employed by the management. The Apex Court in Surinder Singh's case 1986 (1) SCC page 632 gave a command to the management to regularize services of its daily rated workmen, from the date of their initial employment, who have put in six months of continuous service. Accordingly Director General (Works) CPWD issued order dated 23-8-88 for regularization of muster roll employees. Horticulture Wing of the management regularized service of its daily rated workmen by 7-12-88, while electrical and civil wing did not take any action in this behalf. The workman is covered under the provisions of the Payment of Gratuity Act, 1972 (in short the Act) and orders were issued in that regard by the management on 27-6-2006. Ram Khilari, a similarly situated workman raised an Industrial dispute and Industrial tribunal government of NCT, Delhi gave an award for regularization of his services from the date of his initial employment. Workman is eligible for regularization of services from the date of his initial employment. It has been claimed that the management may be commanded to regularize his services from the date of his initial employment.

3. Contest was given to the claim statement pleading therein that the workman was working on muster roll with the management and his services were regularized from the date mentioned by him in the claim statement. His contention that he is eligible for regularization of his services from the date of his initial engagement, is false. The Apex Court in Surinder Singh's case (supra) never directed the management to regularize services of muster roll employees from the date of their initial employment. In compliance of the order of the Apex Court 8982 posts were created in September, 92 and thereafter all workers were regularized in services from prospective dates and not from the date of their initial engagement, in various precedents Apex Court ruled that employees selected on daily wages nowhere

automatically became regular from the date of their initial employment, even if they perform duties similar to the regular employees. The workman cannot claim regularization from the back date. When vacancies were available for them their services were regularized. It has been projected that his claim for regularization from the date of their initial employment is false.

4. During the course of adjudication, a settlement was arrived at between the parties. Shri M. P. Narang, Assistant Engineer, Electric Division No. V, Sewa Bhawan, R.K. Puram, New Delhi assured the workman that circular dated 26-6-06 issued by the Director General, (Works) CPWD in respect of payment of gratuity to casual, muster roll, hand receipt or daily rated worker of CPWD shall be implemented in his case. In view of that assurance, Shri Bhuvan Chand, the Regional Secretary of All India CPWD (M.R.M.) Karamchari Sangathan, who was authorized representative of the workman, made a statement on his behalf that the workman does not press his claim for regularization in the services from the date of his initial employment. Consequently, the workman gave up the contest of his demands for regularization of his services from the date of his initial employment, in case management complies the aforesaid circular.

5. Circular No.29/77/2000-EC10 New Delhi dated 26-6-2006 was issued by the Director General (Works) CPWD in respect of payment of gratuity to its casual, hand receipt and muster roll workers under the Act. The said circular makes it clear that the matter was examined in consultation with the Ministry of Urban Development and Ministry of Labour and it was clarified that the Act is applicable to casual, muster roll, hand receipt and daily rated workers of the CPWD. Consequently all ADVs, CS, SCS, S.C. Coordination, Executive Engineer, Directorate of Horticulture, Additional Directorate of Horticulture, Deputy Director of Horticulture. All Deputy Welfare Labour Commissioners and Assistant Labour Welfare Commissioners were requested to make payment of gratuity to casual muster roll, hand receipt and daily rated workers of CPWD as admissible under the Act. It was further mentioned therein that the current/pending court cases on the similar issue may be defended or got settled accordingly. Therefore, it is evident that the management admits the claim of all casual muster roll, hand receipt or daily rated workers of the CPWD for payment of gratuity under the Act.

6. In view of the fact that the contest was given up by the workman for regularisation of his services from the date of initial employment and management assures compliance of the aforesaid circular, it is expedient to command the management to record services rendered by Ram Kishan as muster roll employee in his service book, which services would be taken into account for payment of gratuity under the Act, at the time of his superannuation or death as the contingency arise. An

award is accordingly passed. It may be sent to the appropriate Government for publication.

Dated : 6-10-09

Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2009

का.आ. 3153.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 80/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-2009 को प्राप्त हुआ था।

[सं. एल-42012/34/2006-आईआर (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 26th October, 2009

S.O. 3153.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 80/2006) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workman, which was received by the Central Government on 26-10-2009.

[No. L-42012/34/2006-IR (D.U.)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 1, NEW
DELHI, KARKARDOOMA COURT COMPLEX, DELHI**

I. D. No. 80/2006

Kamlesh Kumar & Three others, through
All India CPWD (MRM) Karamchari Sangathan,
House No.4823, Gali No. 13,
Balbir Nagar Extension,
Shahdara, New Delhi - 110032.

.....Workman

Versus

The Executive Engineer (C),
CPWD, Parliamentary Works Division III,
I. P. Bhawan, New Delhi.

2. The Superintending Engineer,
Coordination Circle (Elect.),
CPWD, R. K. Puram,
New Delhi.

.....Management

AWARD

Kamlesh Kumar joined services with CPWD as Khalasi on muster roll on 8-11-83, Bhuvan Chand Joined as Khalasi on 1-11-81, Sarvjeet Ram joined on 1st of June, 81, while Rik Bahadur joined his services on 1st of November, 1982. They rendered continuous service of 240 days and their services were regularized on 31-3-93, 14-3-91 and 20-4-93 respectively. They claimed regularization of their services from the date of their initial employment. When their demand was not accepted by the management, they raised an industrial dispute before the Conciliation Officer. Since conciliation proceedings came to an end, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-42012/34/2006-IR (DU), New Delhi, dated 11-10-2006, with following terms :

"Whether the demand of All India CPWD (M.R.M.) Karamchari Sangathan for regularization of the four works (as per annexure) in the service from the date of their initial appointment on muster roll by the management of CPWD, is just and fair ? If yes, to what relief the workmen are entitled to and from which date ?"

2. Claim statement was filed on their behalf pleading therein that they were employed on muster roll in Hot Mix Plant Division, A.C.D.-I and PWD Electric Division V of the management. It was projected that Kamlesh Kumar joined on 8-11-83 while Bhuvan Chand joined on 1-11-81, Sarvjeet Ram joined on 1-6-81 and Rik Bahadur joined on 1st of November, 82 as Khalasi on muster roll. Their services were regularized on 31-3-93, 14-3-91 and 20-4-93 respectively. They rendered 240 days continuous service with the management from the date of their employment till the date of their regularization. There are three wings under CPWD viz. Electrical, Civil and Horticulture, where several daily rated workmen are employed by the management. The Apex Court in Surinder Singh's case 1986 (1) SCC page 639 give a command to the management to regularize services of its daily rated workmen, from the date of their initial employment, who have put in six months of continuous service. Accordingly, Director General (Works), CPWD issued order dated 23-8-88 for regularization of muster roll employees. Horticulture Wing of the management regularized services of its daily rated workman by 7-12-88, while electrical and civil wing did not take any action in that behalf. The workman is covered under the provisions of the Payment of Gratuity Act, 1972 (in short the Act) and orders were issued in that regard by the management on 27-6-2006. Ram Khilari, a similarly situated workman raised by an industrial dispute and Industrial Tribunal, Government of NCT, Delhi gave an award for regularization of his services from the date of his initial employment. Workman is eligible for regularization of their services from the date of their initial employment. It has been claimed that the management may be commanded to regularize their services from the date of their initial employment.

3. Contest was given to the claim statement pleading therein that the workmen were working on muster roll with the management and their services were regularized from the respective dates as mentioned by them in the claim statement. Their contention that they are eligible for regularization of services from the date of their initial engagement, is false. The Apex Court in Surinder Singh's case (supra) never directed the management to regularize services of muster roll employees from the date of their initial employment. In compliance of the order of the Apex Court 8982 posts were created in September, 92 and thereafter all workers were regularized in services from perspective dates and not from the date of their initial engagement, in various precedents. Apex Court ruled that employees selected on daily wages nowhere automatically became regular from the date of their initial employment, even if they perform duties similar to the regular employees. The workman cannot claim regularization from the back date. When vacancies were available for them their services were regularized. It has been projected that their claim for regularization from the date of their initial employment is false.

4. During the course of adjudication, a settlement was arrived at between the parties. Shri Hari Shankar Rai, Executive Engineer, Parliament Works Electric Division No. 1 assured the workman that circular dated 26-6-06 issued by the Director General (Works), CPWD in respect of payment of gratuity to casual, muster roll, hand receipt or daily rated worker of CPWD shall be implemented in their case. In view of that assurance, the Secretary General of India, CPWD M.R.M. Karamchari Sangathan, who was authorized representative of the workman, made a statement on their behalf that the workmen does not press their claim for regularization in the services from the date of their initial employment. Consequently, the workmen gave up the contest of their demands for regularization of their services from the date of their initial employment, in case management complies the aforesaid circular.

5. Circular No.29/77/2000-EC10 New Delhi dated 26-6-2006 was issued by the Director General (Works), CPWD in respect of payment of gratuity to its casual, hand receipt and muster roll workers under the Act. The said circular makes it clear that the matter was examined in consultation with the Ministry of Urban Development and Ministry of Labour and it was clarified that the Act is applicable to casual, muster roll, hand receipt and daily rated workers of the CPWD. Consequently, all ADVs, CS, SCS, S.C. Coordination, Executive Engineer, Directorate of Horticulture, Additional Directorate of Horticulture, Deputy Director of Horticulture. All Deputy Welfare Labour Commissioners and Assistant Labour Welfare Commissioners were requested to make payment of gratuity to casual muster roll, hand receipt and daily rated workers of CPWD as admissible under the Act. It was further mentioned therein that the current/pending court cases on the similar issue may be defended or got settled accordingly.

Therefore, it is evident that the management admits the claim of all casual muster roll, hand receipt or daily rated workers of the CPWD for payment of gratuity under the Act.

6. In view of the fact that the contest was given up by the workmen for regularisation of their services from the date of initial employment and management assures compliance of the aforesaid circular, it is expedient to command the management to record services rendered by Kamlesh Kumar as muster roll employee in their service books, which services would be taken into account for payment of gratuity under the Act, at the time of his superannuation or death, as the contingency arise. An award is, accordingly, passed. It may be sent to the appropriate Government for publication.

Dated : 1-10-09

DR. R. K. YADAV, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2009

का.आ. 3154.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 81/2006 को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-2009 को प्राप्त हुआ था।

[सं. एल-42011/33/2006-आईआर (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 26th October, 2009

S.O. 3154.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 81/2006) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D., and their workman, which was received by the Central Government on 26-10-2009.

[No. L-42011/33/2006-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 1, NEW
DELHI, KARKARDOOMA COURT COMPLEX, DELHI
I. D. No. 81/2006

Dated : 14-10-09

Ved Parkash, Operator,
C/o All India CPWD (MRM) Karamchari Sangathan,
House No.4823, Gali No. 13,
Balbir Nagar Extension,
Shahdara, New Delhi - 110032.

.....Workman

Versus

The Superintending Engineer,
Coordination Circle (Elect.), CPWD,
East Block, R. K. Puram,
New Delhi.

.....Management

AWARD

Ved Prakash joined services with CPWD as Khalasi on muster roll w.e.f. 28-9-81, under the Executive Engineer, Hot Mix Asphalt Plant Division, CPWD. He rendered continuous service of 240 days and his services were regularized in the post of Khalasi w.e.f. 26-4-90. He was re-appointed as MLD under the direct recruitment quota w.e.f. 17-1-93 and after that he was appointed as Senior Operator (E&M) on 17-1-96 under special recruitment drive of SC & ST and now he is working as Senior Operator. He claimed regularization of his services from the date of his initial employment. When his demand was not accepted by the management, he raised an industrial dispute before the Conciliation Officer. Since conciliation proceedings came to an end, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-42011/33/2006-IR (DU), New Delhi, dated 16-10-2006, with following terms.

"Whether the demand of All India CPWD (M.R.M.) Karamchari Sangathan for regularization in service of Shri Ved Prakash, operator, w.e.f. 28-9-81 is legal and justified? If yes, to what relief the workman is entitled to and from which date.?"

2. Claim statement was filed on his behalf pleading therein that he was employed as Khalasi w.e.f. 28-9-81. It was projected that he joined on 28-9-81 and his services were regularized w.e.f. 26-4-90 as khalasi, which is a lower post than the post of Operator. He rendered 240 days continuous service with the management from the date of his employment till the date of his regularization. There are three wings under CPWD viz. Electrical, Civil and Horticulture, where several daily rated workmen are employed by the management. The Apex Court in Surinder Singh's case 1986 (1) SCC page 639 give a command to the management to regularize services of its daily rated workmen, from the date of their initial employment, who have put in six months of continuous service. Accordingly Director General (Works) CPWD issued order dated 23-8-88 for regularization of muster roll employees. Horticulture Wing of the management regularized service of its daily rated workmen by 7-12-88, while electrical and civil wing did not take any action in this behalf. The workman is covered under the provisions of the Payment of Gratuity Act, 1972 (in short the Act) and orders were issued in that regard by the management on 27-6-2006. Ram Khilari, a similarly situated workman raised by an industrial dispute and Industrial Tribunal Government of NCT, Delhi gave an award for regularization of his services from the date of his initial employment. Workman is eligible for regularization of his services from the date of his initial employment. It has been claimed that the management may be commanded to regularize his services from the date of his initial employment.

3. Contest was given to the claim statement pleading therein that the workman was working on muster roll with the management and his services were regularized from the date mentioned by him in the claim statement. Their contention that he is eligible for regularization of his services from the date of his initial engagement, is false. The Apex Court in Surinder Singh's case (supra) never directed the management to regularize services of muster roll employees from the date of their initial employment. In compliance of the order of the Apex Court 8982 posts were created in September, 92 and thereafter all workers were regularized in services from perspective dates and not from the date of their initial engagement, in various precedents Apex Court ruled that employees selected on daily wages nowhere automatically became regular from the date of their initial employment, even if they perform duties similar to the regular employees. The workman cannot claim regularization from the back date. When vacancies were available, his services were regularized. It has been projected that his claim for regularization from the date of his initial employment is false.

4. During the course of adjudication, a settlement was arrived at between the parties. Shri K. L. Malhotra, Executive Engineer, (Electrical) Electric Division No. 11, CPWD, I.A.R.I. Complex, Pusa, New Delhi assured the workman that circular dated 26-6-06 issued by the Director General, (Works) CPWD in respect of payment of gratuity to casual, muster roll, hand receipt or daily rated worker of CPWD shall be implemented in his case. In view of that assurance, Shri Brij Pal Singh, Joint secretary of All India CPWD (M.R.M.) Karamchari Sangathan, who was authorized representative of the workman, made a statement on his behalf that the workman does not press his claim for regularization in the services from the date of his initial employment. Consequently, the workman gave up the contest of his demands for regularization of his services from the date of his initial employment, in case management complies the aforesaid circular.

5. Circular No. 29/77/2000-EC10 New Delhi dated 26-6-2006 was issued by the Director General (Works) CPWD in respect of payment of gratuity to its casual, hand receipt and muster roll workers under the Act. The said circular makes it clear that the matter was examined in consultation with the Ministry of Urban Development and Ministry of Labour and it was clarified that the Act is applicable to casual, muster roll, hand receipt and daily rated workers of the CPWD. Consequently all ADVs, CS, SCS, S.C. Coordination, Executive Engineer, Directorate of Horticulture, Additional Directorate of Horticulture, Deputy Director of Horticulture. All Deputy Welfare Labour Commissioners and Assistant Labour Welfare Commissioners were requested to make payment of gratuity to casual muster roll, hand receipt and daily rated workers of CPWD as admissible under the Act. It was further mentioned therein that the current/pending court cases on the similar issue may be defended or got settled accordingly. Therefore, it is evident that the management admits the claim of all casual muster roll, hand receipt or daily rated workers of the CPWD for payment of gratuity under the Act.

6. In view of the fact that the contest was given up by the workman for regularisation of his services from the date of initial employment and management assures compliance of the aforesaid circular it is expedient to command the management to record services rendered by Ved Prakash as muster roll employee in his service book, which services would be taken into account for payment of gratuity under the Act, at the time of his superannuation or death, as the contingency arise. An award is accordingly passed. It may be sent to the appropriate Government for publication.

Dated: 14-10-09

DR. R. K. YADAV, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2009

का.आ. 3155.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 86/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-2009 को प्राप्त हुआ था।

[सं. एल-42011/41/2006-आई आर (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 26th October, 2009

S.O. 3155.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 86/2007) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workmen, which was received by the Central Government on 26-10-2009.

[No. L-42011/41/2006-IR (D.U.)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT No. 1, NEW
DELHI, KARKARDOOMA COURT COMPLEX, DELHI**

1. D. No. 86/2007

Shri Raghu Raj S/o Gulab Singh,
C/o All India CPWD (MRM) Karamchari Sangathan,
House No.4823, Gali No. 13,
Balbir Nagar Extension,
Shahdara, New Delhi - 110032. Workman

Versus

The Executive Engineer,
Electrical Divn.- XI, CPWD,
IARI, Pusa,
New Delhi- 110012

.....Management

AWARD

Raghu Raj joined services with CPWD as Khalasi w.e.f. 27-5-1981. He rendered continuous service of 240 days and his services were regularized in the post of Khaasi w.e.f.26-11-88. He claimed regularization of he services from the date of his initial employment. When his demand was not accepted by the management, he raised an industrial dispute before the Conciliation Officer. Since conciliation proceedings came to an end, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-42011/41/2006-IR (DU), New Delhi, dated 1-11-2006, with following terms.

"Whether the demand of All India CPWD (M.R.M.). Karamchari Sangathan for regularization in service of Shri Raghu raj, Mechanic (AC&R), w.e.f. 27-5-81 is legal and justified? If yes, to what relief the workman is entitled to and from which date.?"

2. Claim statement was filed on his behalf pleading therein that he was employed as Khalasi w.e.f. 27-5-81. It was projected that Raghu Raj joined on 27-5-81 and his services were regularized w.e.f. 26-11-88. He rendered 240 days continuous service with the management from the date of his employment till the date of his regularization. There are three wings under CPWD viz. Electrical, Civil and Horticulture, where several daily rated workmen are employed by the management. The Apex Court in Surinder Singh's case 1986 (1) SCC page 632 gave a command to the management to regularize services of its daily rated workmen, from the date of their initial employment, who have put in six months of continuous service. Accordingly Director General (Works) CPWD issued order dated 23-8-88 for regularization of muster roll employees. Horticulture Wing of the management regularized service of its daily rated workmen by 7-12-88, while electrical and civil wing did not take any action in this behalf. The workman is covered under the provisions of the Payment of Gratuity Act, 1972 (in short the Act) and orders were issued in that regard by the management on 27-6-2006. Ram Khilari, a similarly situated workman raised by an industrial dispute and Industrial Tribunal Government of NCT, Delhi gave an award for regularization of his services from the date of his initial employment. Workman is eligible for regularization of his services from the date of his initial employment. It has been claimed that the management may be commanded to regularize his services from the date of his initial employment.

3. Contest was given to the claim statement pleading therein that the workman was working on muster roll with the management and his services were regularized from the date mentioned by him in the claim statement. His contention that he is eligible for regularization of his services from the date of their initial engagement, is false. The Apex Court in Surinder Singh's case (supra) never directed the management to regularize services of muster roll employees from the date of his initial employment. In compliance of the order of the Apex Court 8982 posts were created in September, 92 and thereafter all workers were regularized in services from perspective dates and not from the date of their initial engagement, in various precedents Apex Court ruled that employees selected on

daily wages nowhere automatically became regular from the date of their initial employment, even if they perform duties similar to the regular employees. The workman cannot claim regularization from the back date. When vacancies were available for them their services were regularized. It has been projected that his claim for regularization from the date of his initial employment is false.

4. During the course of adjudication, a settlement was arrived at between the parties. Shri K. L. Malhotra, Executive Engineer, (Electrical) Electric Division 11, CPWD, I.A.R.I. Complex, Pusa, New Delhi assured the workman that circular dated 26-6-06 issued by the Director General, (Works) CPWD in respect of payment of gratuity to casual, muster roll, hand receipt or daily rated worker of CPWD shall be implemented in his case. In view of that assurances, Shri Brij Pal Singh, Joint Secretary of All India CPWD (M.R.M.) Karamchari Sangathan, who was authorized representative of the workman, made a statement on his behalf that the workman does not press his claim for regularization in the services from the date of his initial employment. Consequently, the workman gave up the contest of his demands for regularization of his services from the date of his initial employment, in case management complies the aforesaid circular.

5. Circular No.29/77/2000-EC10 New Delhi dated 26-6-2006 was issued by the Director General (Works) CPWD in respect of payment of gratuity to its casual, hand receipt and muster roll workers under the Act. The said circular makes it clear that the matter was examined in consultation with the Ministry of Urban Development and Ministry of Labour and it was clarified that the Act is applicable to casual, muster roll, hand receipt and daily rated workers of the CPWD. Consequently all ADVs, CS, SCS, S.C. coordination, Executive Engineer, Directorate of Horticulture, Additional Directorate of Horticulture, Deputy Director of Horticulture. All Deputy Welfare Labour Commissioners and Assistant Labour Welfare Commissioners were requested to make payment of gratuity to casual muster roll, hand receipt and daily rated workers of CPWD as admissible under the Act. It was further mentioned therein that the current/pending court cases on the similar issue may be defended or got settled accordingly. Therefore, it is evident that the management admits the claim of all casual muster roll, hand receipt or daily rated workers of the CPWD for payment of gratuity under the Act.

6. In view of the fact that the contest was given up by the workman for regularisation of his services from the date of initial employment and management assures compliance of the aforesaid circular, it is expedient to command the management to record services rendered by Raghu Raj as muster roll employee in his service book, which services would be taken into account for payment of gratuity under the Act, at the time of his superannuation or death, as the contingency arise. An award is accordingly passed. It may be sent to the appropriate Government for publication.

Dated: 12-10-09

DR. R. K. YADAV, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2009

का.आ. 3156.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 24/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-2009 को प्राप्त हुआ था।

[सं. एल-42012/8/2006-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 26th October, 2009

S.O. 3156.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 24/2006) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workmen, which was received by the Central Government on 26-10-2009.

[No. L-42012/8/2006-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 1, NEW
DELHI KARKARDOOMA COURT COMPLEX, DELHI**

I. D. No. 24/2006

Mahipal Sharma, Mechanic, AC&R
C/o All India CPWD (MRM) Karamchari Sangathan,
House No.4823, Gali No. 13,
Balbir Nagar Extension,
Shahdara, New Delhi - 110032Workman

Versus

1. The Executive Engineer,
Electrical Divn.-V,
CPWD, Sewa Bhawan,
R. K. Puram, New Delhi
2. The Superintending Engineer,
Coord. Circle (Elect.),
CPWD, East Block,
R. K. Puram, New DelhiManagement

AWARD

Mahipal Sharma joined his services on 10-3-1983. He was promoted as service man on muster roll w.e.f. 4-12-1985 which post has been merged and designated as Mechanic (A.C. & R.). He rendered continuous service of 240 days and his services were regularized on 11-8-2000. He claimed regularization of their services from the date of

his initial employment. When his demand was not accepted by the management, they raised an industrial dispute before the Conciliation Officer. Since conciliation proceedings came to an end, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-42012/8/2006-IR (DU), New Delhi, dated 19-7-06, with following terms :

“Whether the demand of the CPWD (M.R.M.) Karamchari Sangathan for (i) regularization of the services of the workman Shri Mahipal Sharma w.e.f. 10-3-85, and (ii) putting him in the scale of highly skilled category, i.e. 4000-6000, w.e.f. 4-12-85, by the management of CPWD, is just, fair and legal? If so, to what relief the workman concerned is entitled and from which date?”

2. Claim statement was filed on his behalf pleading therein that he was employed on muster roll as Khalasi. His services were regularized on 11-8-2000. He rendered 240 days continuous service with the management from the date of his employment till the date of their regularization. There are three wings under CPWD viz. Electrical, Civil and Horticulture, where several daily rated workmen are employed by the management. The Apex Court in Surinder Singh's case (1986 (1) SCC page 639) give a command to the management to regularize services of its daily rated workmen, from the date of their initial employment, who have put in six months of continuous service. Accordingly Director General (Works) CPWD issued order dated 23-8-88 for regularization of muster roll employees. Horticulture Wing of the management regularized service of its daily rated workmen by 7-12-88, while electrical and civil wing did not take any action in that behalf. The workman is covered under the provisions of the Payment of Gratuity Act, 1972 (in short the Act) and orders were issued in that regard by the management on 27-6-2006. Ram Khilari, a similarly situated workman raised by an industrial dispute and Industrial Tribunal Government of NCT, Delhi gave an award for regularization of his services from the date of his initial employment. Workman is eligible for regularization of services from the date of his initial employment. It has been claimed that the management may be commanded to regularize services from the date of his initial employment.

3. Contest was given to the claim statement pleading therein that the workman was working on muster roll with the management and his services were regularized from the date as mentioned by him in the claim statement. His contention that he is eligible for regularization of his services from the date of his initial engagement, is false. The Apex Court in Surinder Singh's case (supra) never directed the management to regularize services of muster roll employees from the date of their initial employment. In compliance of the order of the Apex Court 8982 posts were created in September, 92 and thereafter all workers were regularized in services from prospective dates and not from the date of their initial engagement, in various precedents Apex Court ruled that employees selected on daily wages nowhere automatically become regular from the date of their initial employment, even if they perform

duties similar to the regular employees. The workman cannot claim regularization from the back date. When vacancies were available, for them their services were regularized. It has been projected that his claim for regularization from the date of his initial employment is false.

4. During the course of adjudication, a settlement was arrived at between the parties. Shri K. L. Malhotra, Executive Engineer, Electric Division II, I.A.R.I. Complex, CPWD, assured the workman that circular dated 26-6-06 issued by the Director General, (Works) CPWD in respect of payment of gratuity to casual, muster roll, hand receipt or daily rated worker of CPWD shall be implemented in his case. In view of that assurances, the Joint secretary of All India CPWD (M.R.M.) Karamchari Sangathan, who was authorized representative of the workman, made a statement on his behalf that the workman does not press his claim for regularization in the services from the date of his initial employment. Consequently, the workman gave up the contest of his demands for regularization of his services from the date of his initial employment, in case of compliance of the above circular by the management.

5. Circular No.29/77/2000-EC10 New Delhi dated 26-6-2006 was issued by the Director General (Works) CPWD in respect of payment of gratuity to its casual, hand receipt and muster roll workers under the Act. The said circular makes it clear that the matter was examined in consultation with the Ministry of Urban Development and Ministry of Labour and it was clarified that the Act is applicable to casual, muster roll, hand receipt and daily rated workers of the CPWD. Consequently all ADVs, CS, SCS, S.C. coordination, Executive Engineer, Directorate of Horticulture, Additional Directorate of Horticulture, Deputy Director of Horticulture. All Deputy Welfare Labour Commissioners and Assistant Labour Welfare Commissioners were requested to make payment of gratuity to casual muster roll, hand receipt and daily rated workers of CPWD as admissible under the Act. It was further mentioned therein that the current/pending court cases on the similar issue may be defended or got settled accordingly. Therefore, it is evident that the management admits the claim of all casual muster roll, hand receipt or daily rated workers of the CPWD for payment of gratuity under the Act.

6. In view of fact that contest was given up by the workman for regularisation of his services from the date of initial employment and management assures compliance of the aforesaid circular it is expedient to command the management to record services rendered by Mahipal Sharma as muster roll employee in his service book, which services would be taken into account for payment of gratuity under the Act, at the time of his superannuation or death, as the contingency may arise. An award is accordingly passed. It may be sent to the appropriate Government for publication.

Dated : 12-10-09

DR. R. K. YADAV, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2009

का.आ. 3157.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेहरू साइंस सेन्टर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/104 ऑफ 2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-2009 को प्राप्त हुआ था।

[सं. एल-42012/177/2000-आई.आर. (डी.यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 26th October, 2009

S.O. 3157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/104 of 2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Nehru Science Centre and their workman, which was received by the Central Government on 26-10-2009.

[No. L-42012/177/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present: A. A. LAD, Presiding Officer

Reference No. CGIT-2/104 of 2000

Employers in relation to the management of Nehru Science Centre

The Director,
Nehru Science Centre,
National Council of Science Museums,
Dr. E. Moses Road, Worli,
Mumbai- 400 018

First Party

Vs.

Their Workmen,
Shri G. K. Maliye,
1/53, Nagin Nagar,
Sitaram Jadhav Marg,
Lower Parel, Mumbai- 400 013

Second Party

APPEARANCE

For the Employer : Mr. B. G Goyal & Mrs. Shipa Bhatia.
Advocates

For the Workmen : Mr. M. B. Anchan, Advocate

Date of reserving the Award : 21-4-2009

Date of passing the Award : 7-8-2009

AWARD PART II

The matrix of the facts as culled out from the proceedings are as under :

1. The Government of India, Ministry of Labour by its Order No. L-42012/177/2000/IR (DU) dated 31-10-2000 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of Nehru Science Centre in terminating Shri G. K. Maliye from the post of Technical B and on appeal reducing the punishment of compulsory retirement w.e.f. 22-2-2000 is legal and justified? If not, to what relief Shri G. K. Maliya is entitled?

2. Workman Maliye was appointed as Painter Technician in Nehru Science Centre, Worli, Mumbai, in the year 1982. By claim Statement (Exhibit 7) workman averred that the management was suspecting him and prejudiced against him when the employees of the Centre started forming the Trade Union in the year 1990, and that consequently, with vindictive attitude due to union activities management had transferred the employees Kelkar and Khandvilkar. It is pleaded that, though workman's past record was clean and unblemished, due to his union activities he was transferred to Bhopal by the order dated 21-6-1990 and that the same being mala fide he did not join, therefore, the management issued him charge sheet dated 27-11-1997. It is contended that, the inquiry was held on the baseless charges and that charge sheet was issued to the workman under Rule 14 of the Central Civil Services (CCA) Rules, 1965. He was not a Government Servant, and therefore, Governed by the provisions of the Model Standing Orders, and therefore, the inquiry under the CCS (CCA) Rules, 1965 is invalid. It is contended that, the inquiry was not fair in as much as workman was not given copies of documents listed in the charge sheet, therefore, he could not prepare his defence statement properly, he was not given opportunity to see the documents and prepare the cross-examination of the management witnesses. It is contended though the charges leveled against the workman were complicated he was not allowed to take assistance of legal practitioner. It is contended workman was not knowing English, and therefore, he had requested for a Marathi Version of the charge sheet, however, that was not given, inquiry was not in his presence and that his signatures were taken, on the proceedings already recorded, he was not paid subsistence allowance thereby he was handicapped. It is pleaded Inquiry Officer intervened in between and put leading question to the witnesses and that the procedure followed by the Inquiry Officer was erroneous. Consequently, it is pleaded, inquiry was against the principles of Natural Justice. It is averred that, the workman did not participate in the demonstration alleged to be held on 26-7-1990, however, the Inquiry Officer in his findings observed that, workman was there in the demonstration. It is contended workman was not relieved, Inquiry Officer

held that workman by not reporting at Bhopal disobeyed the orders of the superiors, therefore, according to workman finding being not based on record and the evidence, are perverse and for all these reasons, it is pleaded, inquiry was conducted against the Principles of Natural Justice and fair play. It is contended based on the erroneous findings of the Inquiry Officer dated 11-10-1999, the Disciplinary Authority removed he workman from service w.e.f. 22-2-2000, however, the Appellate Authority in appeal, by the order dated 3-5-2000 modified the order of removal to compulsory retirement.

3. Management Nehru Science Centre resisted the claim of workman by filing written statement (Exhibit 8) contending that, the reference is bad for non-joinder of necessary party the Appellate Authority i.e. Director General, National Council of Science Museum (NCS M). It is contended that, the workman Governed under the CCS (Conduct) Rules have been adopted by NCSM as its service condition. He was transferable to any of the centers and that by the order dated 21-6-1999 workman was transferred to Bhopal, however, he did not report there though sufficient time given. It is pleaded workman instead reporting approached the A.L.C. (C), State Industrial Tribunal and the Court and that at his instance 100 persons made violent demonstration at the campus of NSC Mumbai on 26-7-1990 and that violent mob forced in to the conference room and manhandled Shri Chakraborti, the then Director, holding out in the open causing in the process physical injuries to him. It is pleaded for non-reporting to Bhopal as per the transfer order dated 21-6-1999 workman committed willful insubordination and that remaining absent, displayed lack of devotion to duty, behaving in a manner unbecoming of a Civil Servant and that by abetting political demonstration by disrupting in the normal functioning of the centre misbehaved and that by providing false information, failed to maintain absolute integrity and thereby violated Rule 31 of the Central Civil Service (Conduct) Rules, 1964 adopted by the Council and for all these allegations charge sheet was issued to the workman on 27-11-1997. It is pleaded that workman replied the said charge sheet vide letter dated 2-12-1997 which was found unsatisfactory, and therefore, domestic inquiry was instituted. It is contended Inquiry Officer giving sufficient opportunity recorded the findings by the report dated 11-10-1999 and holding the workman guilty based on the report the Disciplinary Authority imposed punishment of removal of workman from service, however, the Appellate Authority on purely humanitarian considerations reduced the punishment to compulsory retirement with pension, gratuity and other retiral benefits w.e.f. 22-2-2000. Management denied that, for Union activities workman was victimized and that he was transferred with malafide intention. It is further denied that workman was not supplied copies of documents and that procedure was not properly followed. Management further

denied that, findings recorded were not based on evidence and documents on record therefore perverse. According to the management since workman was not suspended question of giving any subsistence allowances does not arise and as he had not reported for work at Bhopal he was not entitled to any wages. It is pleaded that workman was Governed by the provisions of Central Civil Services (Classification, Control and Appeal) Rules, 1965 and Central Civil Service (Conduct) Rules, 1964 as adopted by NCSM. It is contended that, proceedings were explained to the workman in Marathi by Mr. S. P. Luman, then stores and Purchase Officer of the Centre, therefore, according to the Management, domestic inquiry conducted against the workman was as per the Principles of Natural Justice and fair play and therefore does not vitiate.

4. By rejoinder (Exhibit 9) workman reiterated the recitals in the Statement of Claim denying the averments in the Written Statement.

5. On the basis of the above pleadings my Ld. Predecessor framed Issues at Exhibit 10. Out of those Issues Nos. 1 and 2 were treated as preliminary Issues and were decided, by my Ld. Predecessor, by passing Part I Award on 22-5-2003 holding enquiry was not conducted by following principles of natural justice and finding of the Enquiry Officer as perverse. While passing said order my Ld. Predecessor allowed management to lead evidence to justify its action compelling workman to retire compulsorily. Now, following Issues remain which are taken for adjudication and which I answer as follows :

ISSUES	FINDINGS
3) Whether the action of the Management of Nehru Science Centre in terminating Shri G. K. Maliye from the post of Technical B and on appeal Reducing the punishment of Compulsory retirement w.e.f. 22-2-2000 is legal and proper?	No
4) If not, what relief Shri G. K. Maliyer is entitled to?	2nd Party is entitled for reinstatement with 50% back wages.

REASONS :

ISSUES NOS. 3 & 4:

6. By leveling charge of refusal to report on transferred place at Bhopal and alleging that, he violated Rule 3 (1) (ii) and Rule 3 (i) and (iii) of the Central Civil Service (Conduct) Rules 1964 the concerned workman did not report at transferred place as per transfer order dated 21-6-1990 and as such unauthorizedly remained absent inspite of having received several office memorandums from the office as well as from the Regional Centers.

7. It was also alleged that, the concerned workman tried to bring political influence on authority of his transfer. Besides it was alleged that, concerned workman misguided the Authority and alleged that, he failed to maintain absolute integrity and acted in a manner in unbecoming to NCSM servant and violated Rule 3 (1) (ii) and Rule 3 (1) (iii) of Central Civil Services (Conduct) Rules, 1964.

8. By leveling said allegations by issuing charge sheet dated 27-11-1997 enquiry was conducted. Issue of fairness of enquiry and perversity of finding of enquiry was decided by this Tribunal by passing Award I holding enquiry was not fair, proper and finding perverse.

9. Now, issue before us is the issue of quantum of punishment.

10. In this case concerned workman was terminated on the basis of the finding given by the Enquiry Officer which was given on the enquiry conducted by him. As stated above enquiry was held not fair and proper and the finding was held as perverse. When enquiry was held not fair and proper and finding perverse, definitely it dismantles the foundation on which the concerned workman was terminated and then compulsorily retired.

11. The main charge, as stated above, is of absenteeism from duty from the transferred place. At the cost of repetition the story behind termination was that, the concerned workman was transferred from Bombay to Bhopal. The concerned workman alleges that, he is Class III staff and he cannot be transferred nation-wide as happened in his case. It is his case that the most he can be transferred from one section to another in the same Institute but cannot be transferred from Bombay, out of the Region or to any place or to places which is in the another corner of the country. It is to be noted that, the concerned workman was of Class III staff. This is not disputed by the 1st Party. The reason given by the 1st Party is that, there was work of painting at Bhopal and services of the concerned workman were needed there. So if we consider the post of the concerned workman and his status and which is not disputed by Management, question arises whether decision of the Management to transfer concerned workman who is painter and who belongs to Class III staff has to Bhopal to do painting at Bhopal is just and proper? Definitely work of painting is not the work which can be called as an expert work and it is not the case of the 1st Party that, except 2nd Party nobody in the world can do that work of painting. The reason given by the 1st Party of transfer of the 2nd Party is that, on administrative grounds he was transferred. However, it is not made known which was the administrative ground on which the concerned workman was transferred when he belongs to Class III staff and working on the post of Painter? Even said act is not digested. Even the reason given by the 1st Party behind transfer of the concerned workman is

not disestible since it is not supported by any cogent and satisfactory explanation. Besides my Ld. Predecessor held finding of the Enquiry Officer is perverse. The allegations leveled against the concerned workman is that, he brought political influence. However, it is not enlightened in what manner he brought political influence? The story appears that, there was a demonstration and 1st Party appears to have treated said demonstration as political pressure. After all in the "labour field" "demonstration" is the right of the employee to protect the decision of the Management and protect the interest of the employees. The demonstration might have been conducted by the employees. Besides it is not brought on record that, the concerned employee was responsible for arranging said demonstration. Even it came in the evidence that, no body noted presence of the concerned workman in the said demonstration. No case is made out that, in what manner political influence was brought by the 2nd Party workman on the administration of the 1st Party.

12. Besides charge of misleading Management was leveled against the concerned workman. In that respect question was put that, in what type charge of misleading was leveled against the concerned workman to which it was replied that, the concerned workman was from time and again was saying that, he has filed case before the Civil Court but he has not supplied the information regarding suit filed by him. However, in the proceedings the concerned workman has filed certified copy of Roznama of S. C. Suit No. 5369 of 1991 with Exhibit 34 at page 6 and 7. This position reveals that, there was suit filed by him and it was dismissed. It appears that, said was filed by the concerned workman in the City Civil & Sessions Court and it cannot be said that, he suppressed that fact or misguided the Management as alleged by it. Since it can be public document and there question of suppression and question of misleading 1st Party on that does not arise.

13. As stated above no specific case is made out regarding political influence brought by the concerned workman on the administration of the 1st Party. Besides no specific case is made out in what manner concerned workman misguided since 2nd Party has produced the copy of the Civil Suit filed by him the City Civil & Sessions Court.

14. As far as reporting for duty at Bhopal is concerned, he says that, he is Class III employee working on the post of Painter does not require to transfer on administrative ground. Said stand is not brushed aside by the Management by bringing cogent, positive evidence and providing or placing Rules under which it can transfer such type of employee at such a remote place from Bombay? In my considered view there is no substance in the allegations of the Management that, 2nd Party purposely did not report on duty at Bhopal and remained absent from duty.

15. Here while justifying the action, Management has not led any evidence, and by filling Exhibit 47 it express that, it did not wish to lead any further evidence on the point of quantum of punishment. Against that 2nd Party again examined himself by filing affidavit at Exhibit 48 in lieu of his examination-in-chief where he repeated the story and says that, just to victimize him, he was transferred from Bombay to Bhopal and there was no need to transfer him from Bombay to Bhopal. Even he alleges that, to bring pressure on him he was transferred. He also alleges that, employees of NSC started forming Union and to bring pressure on the workers management has taken said action against him since he was active members of the Union.

16. On that written argument is submitted by 2nd Party at Exhibit 50 which was replied by 1st Party at Exhibit 52 with some citations at Exhibit 53.

17. On going through all that, and going through case made out by both, here we find that, only because, the concerned workman did not report for duty at Bhopal though he belongs to Class III category, working on the post of Painter, the Management has taken action of termination which was then reduced to compulsory retirement. In my considered view the action taken by the Management is taken under colorable exercise of its powers. All this reveals that, Management has purposely taken that decision to transfer said employee who is from Class III category and working on the post of Painter. The reason given by the Management behind transfer of the concerned workman is not justified. Besides reason given by the Management in terminating and then changing said into compulsory retirement is not justifiable. In fact by creating reason that, of not report on duty after transferring employee of this type to such long distance if we consider the place of Bhopal and the place of Bombay where concerned workman was working that too in Class III category as a Painter, in my considered view, transfer of such a Class III employee is not acceptable as it was country wide transfer as happened in this case. Besides one can note that city of Bhopal is far away from Bombay. It should be noted that, 2nd Party is a Maharashtrian and he was transferred to Bhopal which is a new place for him where nobody can found of his caste, religion or knowing person at that place. Definitely person of this type of employee who is working on the post of Class III that too as a Painter cannot shift his family leaving Bombay and will go to Bhopal. So in my considered view the decision taken by the Management of transferring concerned workman is in colourable exercise of its power to being pressure on the concerned workman so that, others will take lesson and will not participate in labour movements. According to me decision taken by the Management with expectation that, he will not join on the post at Bhopal definitely is not just and proper.

18. Besides as stated above charges are not proved against the concerned workman. No evidence is put forward

by the Management to show why he was transferred which definitely is mistake of the Management. Transferring the concerned workman and compelling him to remain away from his duties on protests of transfer from Bombay to Bhopal is ground given by the management.

19. It to be noted that, the concerned workman is absent from duty on that account from 21-6-1990. It is to be noted that said termination was then converted by the Management in punishment of reducing it into the punishment of compulsory retirement with effect from 22-2-2000. As a result of that, Management set aside the termination and converted it by reducing said punishment into compulsory retirement w.e.f. 22-2-2000 which is nothing but ending services of the concerned workman w.e.f. 22-2-2000 which means that, from 22-2-2000 the concerned workman is not an employee of the 1st Party and is not on duty.

20. Admittedly, the concerned workman is not in the employment of the 1st Party from 22-2-2000 though Management shown leniency and reduce punishment of termination to compulsory retirement, in my considered view result is that the relations of the 2nd Party with 1st Party comes to an end w.e.f. 22-2-2000 that means from 22-2-2000 the concerned workman is not in the employment of the 1st Party and he is not getting any benefit of the employment with 1st party from 22-2-2000 it means for that, the Management is responsible.

21. Though 2nd Party did not report for duty at Bhopal and that may be the reason, still one has to see whether the reason behind not reporting at Bhopal from angle of the 2nd Party was just and proper? According to me the decision taken by the Management does not expect employee like 2nd Party who is Class III and is working on the post of Painter is expected to report at Bhopal from Bombay. Besides as stated above 2nd Party hails from Maharashtra. His domicile of Maharashtra is not disputed by the 1st Party and when that is the position and when person of this type cannot shift his family to Bhopal from Bombay, he is not expected from any angle to report there. So if we consider all this, in my considered view, 2nd Party had reason not to report on duty at Bhopal. So I accept the said reason and hold that, 1st Party is responsible for all that episode.

22. When 2nd Party was not at fault and 1st Party was at faulty for which 2nd Party has to lose the job from 22-2-2000 and 2nd Party is not working with 1st party from 22-2-2000, still it is mistake of the Management who bring all this situation and compel 2nd Party to remain away from his post w.e.f. 22-2-2000.

23. In this situation we have to note that, when 2nd Party filed affidavit at Exhibit 48, he has shown his age as 46 years. That means on 16-12-2008 he was of 46 years

of age. It reveals that, he has long period to stay in the employment. Besides his family is depending upon him. It is not the case of the 1st Party that, he is in gainful employment. Against that, 2nd Party says that, he is unemployed and he is not working anywhere and earning for his family.

24. When 2nd Party is away from job as a result of the wrong decision of the 1st Party without his fault on his part w.e.f. 22-2-2000 in my considered view, if 1st Party is directed to take him in the employment by giving him 50% back wages if feel it will meet the ends of justice by which 2nd Party will be in the employment and 1st Party will take lesson of this type.

25. If we consider all this, coupled with the case made out by both I conclude that, Reference is require to allow in the following terms. Hence, the order :

ORDER

- i) Reference is allowed,
- ii) 1st Party is directed to reinstate 2nd Party Mr. G. K. Maliye in the employment to his original post of Painter that is the post of "Painter" Technician and pay him back wages @ 50% from 22-2-2000 till he is taken in the employment;
- iii) No order as to its costs.

Bombay,
7th August, 2009

A. A. LAD, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2009

का.आ. 3158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल सिल्क बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 21/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-2009 को प्राप्त हुआ था।

[सं. एल-42012/77/2008-आई.आर.(डी.यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 26th October, 2009

S.O. 3158.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.21/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Silk Board and their workman, which was received by the Central Government on 26-10-2009.

[No. L-42012/77/2008-IR(DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 16th October, 2009

Present: A. N. Janardanan, Presiding Officer

Industrial Dispute No. 21/2009

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Central Silk Board, Bangalore and their workman)

BETWEEN

Sri T. K. Padmanabhan : Petitioner/1st Party
AND
The Member Secretary : Respondent/2nd Party
Central Silk Board,
CSB Complex, BTM Layout
Madiwala,
Bangalore- 560068.

APPEARANCE

For the 1st Party/ Petitioner : Petitioner set ex-parte
For the 1st Management : M/s D. Balaraman &
G. Ramalingam

AWARD

The Central Government, Ministry of Labour vide its Order No. L-42012/77/2008-IR (DU) dated 9-1-2009 referred the following Industrial Dispute to this Tribunal for adjudication:

The Schedule mentioned in that order is :

"Whether the action of the management of Central Silk Board in terminating the services of Sri T. K. Padmanabhan, Time-Scale Farm Worker is justified? If not, to what relief the workman is entitled to?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as 21/2009 and issued notices to both sides. Respondent entered appearance through a Counsel. First Party did not appear but by sending a telegram he requested for time till the end of April, 2009. Thereafter also he did not appear. Repeated notices were sent again but the same were returned un-served as being unclaimed with further report that the addressee left the address. Therefore eventually he is called absent and set ex-parte.

3. Respondent filed Memo of Objections to the effect that the petitioner has not filed appeared or Claim Statement showing that he is not interested in pursuing the matter.

4 Points for determination are:

- (i) Whether the action of the Respondent/ Management in terminating the services of the petitioner, time-scale farm worker is justified ?
- (ii) To what relief the concerned workman is entitled ?

Point Nos. 1 & 2

5. Petitioner having not entered appearance to pursue the dispute, no evidence is forthcoming to adjudicate on the dispute. From the couched terms in the reference what emerges is that the petitioner was a time-scale farm worker employed under the Respondent and he was terminated from the services. Whether the said action is justified or not could be decided only on the production of sufficient materials at the instance of the petitioner, which has not been done. The Respondent in the written memo of objections filed has not chosen to whisper anything about the merits of the dispute. It has only pointed out the laches on the part of the petitioner in not appearing before this Tribunal despite repeated notices issued to him or in filing a Claim Statement.

6. Since the petitioner who seeks to impugn the action of the Respondent has not adduced any evidence, it is only to be held that the action of the Management is justified and it is so found. The petitioner is therefore not entitled to any relief. No cost.

7. The reference is answered accordingly.

(Dictated to the P. A., Transcribed and typed by him, corrected and pronounced by me in the open court on this day the 16th October, 2009)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined :—

For the 1st Party/ Petitioner :	None
For the 2nd Party/ Management :	None

Documents Marked :—

From the Petitioner's side

Ex.No.	Date	Description
		Nil

From the Management side :

Ex.No.	Date	Description
		Nil

नई दिल्ली, 26 अक्टूबर, 2009

का.आ. 3159.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं सेन्टर फॉर डवलपमेन्ट ऑफ एडवान्स कम्प्यूटिंग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, सं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 60/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-2009 को प्राप्त हुआ था।

[सं. एल-42012/239/2003-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 26th October, 2009

S.O. 3159.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.60/2004) of the Central Government Industrial Tribunal-cum-

Labour Court No. 1, New Delhi as shown in the Annexure, in the Industrial Dispute between the management of Centre for Development of Advance Computing, and their workmen, received by the Central Government on 26-10-2009.

[No. L-42012/239/2003-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT No. 1, NEW DELHI,
KARKARDOOMA COURT COMPLEX, DELHI**

I.D. No. 60/2004

Tejveer, Mrs. Maharani and Shri Hari Singh,
C/o APS and SSW Employees Union,
5/24, Nehru Ekta Colony,
Sector - VII, R.K. Puram,
New Delhi.

Workman

Versus

The Director,
Centre for Development of Advance Computing,
A-335, Shivalik Enclave, Near Malviya Nagar,
New Delhi

Management

AWARD

Centre for Development of Advanced Computing (hereinafter referred to as the C.D.A.C.) is a society registered under the Societies Registration Act, 1860, is a Research Development and Educational Institution in the area of super computing. It works under Department of Information Technology, Govt. of India, New Delhi. Its Head Office is located at Pune, while it has centres all over the Country. One of its centre was located at Houz Khas, New Delhi. Tejveer, Maharani and Hari Singh were working in the said centre of the C-DAC. Hauz Khas centre of the C-DAC was closed on 31-3-2003 and it was shifted to Noida with effect from 1-4-2003, owing to administrative reasons. Tejveer, Maharani and Hari Singh opted not to join their services at Noida Centre of the C-DAC. They raised an industrial dispute before the Conciliation Officer. Since conciliation proceeding failed, the appropriate Government referred the dispute to this Tribunal, vide order No. L 42012/239/2003-IR (CM-II) New Delhi, dated 8-11-2004, with the following terms:

"Whether the demand of the union for reinstatement of Shri Tejveer, Smt. Maharani and Shri Hari Singh in the management of Centre for Development for Advance Computing, New Delhi, is just, fair and legal? If yes, to what relief the workman are entitled to and from what date?"

2. Claim statement was filed by Shri Tejveer, Smt. Maharani and Hari Singh, pleading that they were serving with the management as sweeper, cleaner and peon from 22-4-1996, 1-10-1997 and 5-4-2000 respectively at a monthly salary of Rs. 2200 each. They were serving the management sincerely and diligently. They were demanding

regularisation of their services, which request was not conceded to by the management. On that account management refused to allow them to resume their duties with effect from 1-4-2003. Action of the management amounted to retrenchment of their services. No notice or pay in lieu thereof and retrenchment compensation were given to them. They claim reinstatement in services with continuity and full back wages.

3. Contest was given to their claim by the management pleading that the workman were asked to report for duty at Noida office, when Hauz Khas office was closed. They did not report for duties with effect from 3-4-2003 and remained absent without any permission. Registered letter dated 14-11-2003 was sent to them but they did not join their duties. It has been claimed that since their services were not terminated, there was no question of giving them any notice or pay in lieu thereof and retrenchment compensation. It was asserted that staff of the management is project based and persons doing work of cleaning and house keeping etc. are engaged through service provider. The workmen were engaged on part time casual basis. When they had not reported at Noida office of the management, despite registered notice sent to them, they are not entitled to any relief, not to talk of reinstatement of their services.

4. On pleadings, following issues were settled by my learned predecessor :

- (i) Whether the workman abandoned the job as alleged in the written statement? If so its effect?
- (ii) As in terms of reference?
- (iii) Relief.

5. Tejveer (WW1), Hari Singh (WW2) and Smt. Maharani (WW3) were examined on behalf of the workmen. Virender Kumar (MW) was examined on behalf of the management. Subsequently Tejveer (WW1), Hari Singh (WW2) and Maharani (WW3) entered witness box again to testify additional facts in support of their claim. Shri Om Parkash (MW2) was examined on behalf of the management.

6. Arguments were heard at the bar. Shri V. K. Sharma, authorized representative, raised arguments on behalf of the workmen. Shri C. K. Safaya, authorized representative, presented his point of view on behalf of the management. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows:—

Issue No.1

7. Virender Singh swears in his affidavit that the workman worked with the management on part time basis at its Hauz Khas office, New Delhi Hauz Khas office of the management was shifted to Noida Office w.e.f. 1st April, 2003, owing to certain administrative reasons. Office order dated 27-2-2003 was issued in that regard, copy of which is Ex. MW1/5. The workmen were asked to continue with their duties at Noida office. However, none of them reported for work at Noida w.e.f. 3-4-2003. Their services were never

terminated by the management. When they had not reported for duty, they were informed vide letter dated 20-10-03 that they could continue to perform their duties at Noida office on same terms and conditions. Copy of letter dated 20-10-03 is Ex. MW 1/6. On 13-11-03 a registered letter was sent to the workmen calling upon them to resume their duties within 7 days from the date of the receipt of that letter, copy of which is Ex. MW 1/7. Postal receipts and A.D. Card are Ex. MW1/8 to Ex. MW 1/10. On 21-2-05 Superintendent of Post Office, South West Division, New Delhi, confirmed that the said letter was served on the workmen on 14-11-2003. Confirmation letter written by the Superintendent of Post Offices is Ex. MW1/11. None of the workmen joined their duties at Noida office. They abandoned their job voluntarily and opted not to join, inspite of best efforts made by the management in that regard. During the course of his cross-examination, he unfolds that the notices were sent to the workmen at the correct residential address furnished by them in the office. He denied that correct address of the workmen was S-83/63 at Indira Camp, Begumpur, New Delhi.

8. Om Parkash testified that he was working at Shivalik office of the management, while the workmen were working at its Hauz Khas office. About five years ago, he had gone to the residence of the workmen, alongwith a letter sent by the management. All the three workmen met him at their residence. When he tendered that letter to them they refused to acknowledge it. They uttered that they would approach office of the management at Shivalik, Malviya Nagar, New Delhi. When he had gone to the residence of the workman, in those days they were not attending to their duties. He told them that they were advised by the authorities to join their duties at Noida office. On the next day they came in the office and met Morya Sahib. During the course of cross-examination, he confirmed that he used to visit Hauz Khas office of the management for official purposes and as such workmen were known to him. He had gone at Hauz Khas office to perform cleaning job when Maharani used to be on leave. He had reached their house, since the area where they used to reside was known to him.

9. Tejveer admits in his testimony that Hauz Khas office of the management was shifted to Noida w.e.f. 1-4-2003. He makes it clear that he never went to Noida. He further admits that he is absent from his duty since then. He does not want to join at Noida office, since that office is far away from his residence. Shri Hari Singh also admits that Hauz Khas office of the management was shifted to Noida. He presents that he had gone to Noida office, but was not allowed to resume his duties there. According to him, his services were terminated when Hauz Khas office of the management was shifted to Noida. Hari Singh presents that he was residing at S83/63 Begum Pur, Malviya Nagar, New Delhi, alongwith Smt. Maharani. He had not received any letter at the said address, which was sent by the management. Smt. Maharani also admits that Hauz Khas office of the management was shifted to Noida. She denied that there was any house in her colony bearing municipal No. 583/63, Begum Pur, Malviya Nagar, New Delhi. There was no other lady known as Maharani in her colony. She

denied that any letter, sent by the management, was delivered at her residence.

10. Out of facts projected by the witnesses examined by the management as well as the workmen it came to light that Hauz Khas office of the management was shifted to Noida on 1-4-2003. Workmen are residents of Village Begumpur, near Malviya Nagar, New Delhi. Noida office of the management was far away from their residence. Tejveer admits that after shifting of Hauz Khas office to Noida, he is absent from his duties. He highlights that he was not willing to join his duties at Noida office of the management, since it was far away from his residence. Smt. Maharani happens to be his mother. She also admits the factum of shifting of Hauz Khas office to Noida. Shri Hari Singh was also aware of that fact. Consequently it is crystal clear that Hauz Khas office of the management was shifted to Noida on 1-4-2003, which fact was well within the knowledge of the workmen.

11. Candid admission was made by Tejveer to the effect that he never went to Noida office of the management. He was absent from his duties since the date of shifting of Hauz Khas office to Noida. He was not willing to join his duties at Noida office, since it was far away from his residence. These facts make it clear that Tejveer had abandoned his duties, when Hauz Khas office of the management was shifted to Noida on 1-4-2003.

12. Hari Singh claims that his services were terminated by the management when Hauz Khas office was shifted to Noida. He projects that he went Noida office to join his duties. According to him the management had not allowed him to resume his job there. Hari Singh happens to be a relation of Tejveer and Smt. Maharani. He is residing at their residence, since the days when he was serving at Hauz Khas office of the management. It has not come over the record through the depositions of Tejveer and Maharani that Hari Singh went to join Noida office of the management, where he was not allowed to resume his duties. Consequently, facts projected by Hari Singh do not get support from the depositions of Tejveer and Maharani. Maharani was also aware about the shifting of Hauz Khas office to Noida. She nowhere deposed that she went to Noida office to join her services but was not allowed to resume her duties. Consequently, it is emerging over the record that Hari Singh and Maharani has testified facts in self serving words when they project that their services were terminated by the management on 1st of April, 2003.

13. At the cost of repetition it is said that Virender Kumar had testified that the workmen abandoned their jobs w.e.f. 1st April, 2003, when Hauz Khas office was shifted to Noida. On 13-11-03 notices were sent to residential address of the workmen, calling upon them to join duties at Noida office. Notices were served on them, which fact was reaffirmed by the Superintendent of Post Offices, South West Division, New Delhi, vide confirmation letter dated 21-5-05. Much hue and cry was made on behalf of the workmen that they are residents of house No. S83/63, Begumpur, Malviya Nagar, New Delhi and not of house No. 583/63, Begumpur, Malviya Nagar, New Delhi. They could not dispel the confirmation letter Ex. MW1/11, issued by the

Superintendent of Post Office, South West Division, New Delhi. Undoubtedly on notices sent to the workmen, management had written address as S-83/63 Begumpur, Malviya Nagar, New Delhi instead of S-83/63 Begumpur, Malviya Nagar, New Delhi. Begumpur happens to be a village where Tejveer, Hari Singh and Maharani reside in a house bearing municipal No. S-83/63, Begumpur Delhi. In a village, a postman generally comes in contact with all residents of that village and he becomes acquainted with them. For delivery of a postal article, minor incorrectness in address will not prevent the postman to locate its addressee in the village. When the name of the addressee is unusual, as in the case of Maharani, it will not pose any difficulty to the postman to locate her, despite some irregularity in residential address written over that postal article. Taking into account, these behavioural aspects of the evidence, I am of the view that every presumption lies in favour of the fact that the postal articles sent to the workmen were served on them. Report Ex.MW1/4 makes it clear that official functions were performed regularly by the postal authorities and in performance of the those functions notices were delivered to the workmen. Workmen could not rebut presumption available in favour of the report Ex.MW1/11. Consequently it is concluded that notices were sent by the management to the workmen and despite services of the notice they opted not to join their duties at Noida office of the management.

14. Om Parkash claims to have gone to the residence of the workmen to deliver a letter to them. He had gone to their house when the workmen had abandoned their jobs. They opted not to accept the said letter, on the pretext of meeting Morya Sahib in the office next day. They had not joined their duties thereafter. Facts projected by Om Parkash could not be dispelled, during the course of his cross examination. It came to light that Om Parkash went to the house of the workmen to deliver a letter to them, when they were absenting from their duties. Neither they accepted that letter nor joined their duties at Noida office of the management. Facts projected by Om Parkash go to reaffirm events unfolded by Virender Kumar and those which emerge out of the report Ex.MW 1/11. These facts go to establish that when Hauz Khas office of the management was closed and shifted to Noida on 1-4-2003, workmen opted to abandon their job and despite call by the management they had not resumed their duties.

15. Written statement was filed by the management to the claim of the workmen, raised before the Conciliation Officer. Said written statement has been proved as Ex.WW1/Y, during the course of cross examination of Shri Virender Kumar. When EX.WW1/Y was perused, it came to light that the management asked the workmen to report for duties at Noida office or any other Centre. It was further mentioned therein that in case they do not want to continue at Noida office, management was willing to make full and final settlement of their claim as per rules. Despite this offer made in the written statement, the workmen opted not to join their duties at Noida office. Therefore, it is evident that even at the stage of conciliation proceedings, the management was ready to allow the workmen to join its Noida office. All these facts make it clear that it were the

workmen who had abandoned the job, when Hauz Khas office was shifted to Noida on 1-4-2003. The claim of the workmen that their services were terminated, is unfounded. Issue is, therefore, answered in favour of the management and against the workmen.

Issue No. 2

16. When it were workmen who has abandoned their job, under that situation the demand of the union for reinstatement of Tejveer, Hari Singh and Maharani in the services of the management is neither fair nor legal. In that event they are not entitled for any relief. Issue is, therefore, answered in favour of the management and against the workmen.

Relief

17. Since the workmen have abandoned their job and opted not to join Noida Office of the management despite repeated requests and letters sent to them, they are not entitled to any relief and Award is, accordingly, passed. It be sent to the appropriate Government for publication.

Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2009

का.आ. 3160.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब एंड सिन्ध बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-1, नई दिल्ली के पंचाट (संदर्भ संख्या 6/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-10-2009 को प्राप्त हुआ था।

[सं. एल-12012/72/2004-आई आर(बी-II)]

राजेन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 26th October, 2009

S.O. 3160.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 6/2004) of the Central Government Industrial Tribunal/Labour Court No.-1, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employees in relation to the management of Punjab and Sind Bank and their workmen, which was received by the Central Government on 23-10-2009.

[No. L-12012/72/2004-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT NO. 1, NEW DELHI
KARKARDOOMA COURT COMPLEX DELHI

I.D. NO. 6/2005

Sunil Kumar
S/o Sh. Amar Singh,
R/o a-633/g, Sector I I,
Vijay Nagar, Ghaziabad(U.P.).

Workman

Versus

The Manager,
Punjab and Sind Bank,
Chikamberpur Branch,
Ghaziabad(U.P.).

Management

AWARD

Sunil Kumar was employed as peon by the Punjab and Sind Bank, at its Chikamberpur Branch, Ghaziabad, U.P., for casual duties. He used to render his services for two hours a day. He worked there from 28-4-2000 till 22nd of April, 2002. When services of Sunil Kumar were not availed of thereafter by the bank, he raised an industrial dispute before the Conciliation Officer. Since conciliation proceedings failed, appropriate Government referred the dispute to this Tribunal for adjudication, vide Order No. L-12012/72/2004-IR(B-II) New Delhi, dated 19-7-2004, with the following terms:

"Whether the action of the management of Punjab & Sind Bank, General Manager in terminating services of Shri Sunil Kumar S/o Shri Amar Singh w.e.f. 22-4-2002 from the post of Peon is justified and legal? If not, what relief is the concerned workman entitled to?"

2. Claim statement was filed, wherein Sunil Kumar pleads that he was engaged as a peon in Chikamberpur Branch of the Bank, on 28-4-2000. He worked there upto 22-4-2002. He was working there on full time basis, while he was paid @ Rs. 60/- per day, besides conveyance etc. He rendered continuous service of 240 days in a year. He was given assurances that his services would be regularized. He had done clerical job also in the bank. When he made demand for regularization of his services, his services were done away w.e.f. 22-4-2002. In doing so provisions of Section 25-F of the Industrial Disputes Act, 1947 (in short the Act) were violated. Termination of his services is mala fide and arbitrary. He raised an industrial dispute before the Assistant Labour Commissioner (Central), Dehradun and projected that termination of his services was in the violation of the provisions of the Act. He claims reinstatement in service with continuity and full back wages.

3. Management demurred his claim pleading that Sunil Kumar was engaged on casual basis for doing job of cleaning and dusting, as per exigencies. He used to work on part time basis on 2-3 other places alternatively and simultaneously. His engagement was purely casual in nature and for a limited period of time. He was paid for the work he rendered. He was never appointed on a regular or permanent vacancy. For appointment of subordinate cadre, the management had to resort to the recruitment rules. The claimant was paid @ Rs. 60/- per day which fact high lights that he was not a permanent employee. Since he was not a permanent employee, question of termination of his services, does not arise. He was engaged only in exigency

of work. His claim for reinstatement of his services is unfounded. There is no substance in his claim and it may be dismissed.

4. In view of pleadings of the parties following issues were settled.

1. Whether the workman was a casual employee with the bank. ?
2. Whether the bank was justified in dispensing with the services of the workman ?
3. As in terms of reference.
4. Relief

5. Workman has examined himself in support of his claim. No other witness was examined on his behalf. Shri K.L.Taluja (MW1) and Shyam Sunder (MW2) were examined on behalf of the management.

6. Arguments were heard at the bar. Shri R.S.Saini, authorized representative, advanced arguments on behalf of the workman. Shri Rajat Arora, authorized representative, presented his point of view on behalf of the management. I have given my careful consideration to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows :—

Issues No. 1 and 2

7. Sunil Kumar testified that he was employed by the Punjab & Sind Bank as peon in April, 2000. Initially he was paid @ Rs. 80 per day, which wages were enhanced to Rs. 100 per day and lastly it was enhanced to @ Rs. 120 per day. In those days, minimum wages for his category was raised to Rs. 120 per day. He was not paid even the minimum wages. He continuously worked with the management for a period of 2 years. His superiors were satisfied with his performance. In April, 2002 his services were terminated. No notice was served upon him nor pay in lieu thereof was given. Retrenchment compensation was not paid to him. His services were terminated, when he asked for regularization of his job. He concedes that no appointment letter was issued to him. His wages were paid on vouchers. He deposed that during the course of his services, he used to deliver documents to various authorities and for that purpose he used to sign peon book as and when documents were delivered by him. Ex.WW1/1 is photo copy of the pass-book dated 25-9-2000, wherein documents delivered upto 6-3-2002 are entered in. Photo of the General Statement Register is Ex.WW1/2, running into 95 pages. His signatures appear therein in token of the fact that he was paid wages by the management bank. Entries regarding conveyance charges paid to him are also recorded therein.

8. During the course of his cross examination, he concedes that for his appointment neither written test nor an interview was taken. He had not moved an application for his appointment to the post of peon. Jagmohan Singh, who was working as peon, got him appointed in the bank. He further concedes that in Peon Book names of Shanker Singh Rotela, Yunus, Mool Chand, Anjani, Satbir Singh

Bedi, Harish Kumar and Kini etc. also appear, besides his name, Shanker Singh Rotela was working as a regular peon in the branch, when he was employed there. He disputes that from March, 2000 to April, 2002 he was working at STD booth of Shyam Singh, located at 237 E.G.T. Road, Chikamberpur, Ghaziabad, U.P.

9. K.L.Taluja projects that Sunil Kumar was employed as casual labour in Chikamberpur branch of the bank on 28-4-2002, where he worked upto 22-4-2002. Sunil Kumar used to report for his duties in morning hours for dusting and cleaning etc. His job was only for two hours a day. After his duty hours, he used to work somewhere. He used to work at P.C.O. of Shyam Sunder located at 237 G.T. Road, Chikamberpur, Shyam Sunder had sworn facts in Ex. MW 1/1 confirming those facts. He admits, during the course of his cross examination that Sunil Kumar was paid @ Rs. 60 per day for two hours job. He could not affirm or deny entries recorded in Ex.WW1/2.

10. Shyam Sunder testified that he was running a P.C.O. at 237- E, G.T. Road, P.O. Chikamberpur, Ghaziabad U.P., 1998. He closed his PCO in the year 2008. Workman Sunil Kumar worked with him on the said PCO from 2000 till 2002. He used to report for his duties at about 11 AM and work there till 5 PM. He was paid 10% commissions on calls made by customers from his P.C.O. Facts recorded in Ex.WW1/4 were sworn by him, which document was handed over to the management, Chikamberpur branch of the bank.

11. When facts testified by the workman, Shri K.L.Taluja and Shyam Sunder were appreciated, it came to light that the workman had deposed convenient facts. In his claim statement he presents that he was paid @ Rs. 60 per day by the management. In his testimony before the court, he projects that initially he was paid @ Rs. 60 per day, which was enhanced to Rs. 100 per day and lastly he was paid @ Rs. 120 per day. Therefore, it emerges over the record that the workman have improved himself from those facts which were recorded in his claim statement. It is expected of a person to know the wages, which were paid to him at the time of his initial employment. In his testimony, the workman projects that he was not aware of his emolument, which were received by him from the management. Inconsistency in his testimony on that issue suggests that he has no respect for veracity and he cannot narrate facts according to his convenience.

12. Contra to facts projected by Sunil Kumar, Shri Taluja deposed that the workman was paid @ Rs. 60 per day for two hours job. Facts projected by Taluja are reaffirmed by events unfolded by Sunil Kumar in his claim Statement. Therefore, I am constrained to conclude that Sunil Kumar was paid @ Rs. 60 per day. Sunil Kumar projects that he used to work full time with the bank. A full time employee cannot be paid like a casual employee. Therefore, facts unfolded by Taluja are found wrapped with veracity. Even otherwise testimony of Shyam Sunder, which remained unshaken, supports the claim projected by Shri Taluja. Out of events unfolded by Shyam Sunder it stands crystalised that the workman was working for about

two hours with the bank and thereafter he used to work at P.C.O. of Shyam Sunder. Relying all these facts it is concluded that Sunil Kumar was working as part time employee with the bank, for doing cleaning and dusting job.

13. Question for consideration comes as to whether Sunil Kumar was a workman. Definition of word "workman" is given in clause (s) of section 2 of the Industrial Disputes Act, 1947 (in short 'the Act') in following terms:

(s) "workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person :

- (i) who is subject to the Air Force Act, 1950(45 of 1950), or the Army Act, 1950(46 of 1950), or the Navy Act, 1957(62 of 1957); or
- (ii) who is employed in the police service or as an officer or other employee of a prison; or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

14. Definition of workman contains three limbs. First limb of the definition gives statutory meaning of the word and determines a workman by reference to a person (including an apprentice) employed in an industry to do any manual, unskilled, skilled, technical, operative, clerical or supervisory work for hire or reward. The second limb is designed to include a person -(i) who have been dismissed, discharged or retrenched in connection with an industrial dispute, or (ii) whose dismissal, discharge or retrenchment in connection with an industrial dispute, or (iii) whose dismissal, discharge or retrenchment has led to an industrial dispute, within the ambit of workman. However, the third part of the definition excludes the categories of persons specified in clauses (i) to (iv) from the expression "workman". The definition does not state that a person, in order to be a workman should have been employed in a substantive capacity or on temporary basis in the first instance or after he is found suitable for the job after a period of probation. In other words, every person employed in an industry irrespective of his status - temporary, permanent or probationary - would be a workman. The expression "employed" has at least two known connotations, that is, a relationship brought by express or implied contract of service in which employee renders service for which he is engaged by the employer and the latter agrees to pay him in cash or kind, as agreed

between them or statutorily provided. It discloses a relationship of command and obedience. Reference can be made to the precedent in Food Corporation of India's case [1985 (2) LLJ 4].

15. A distinction is also drawn between "contract for service" and "contract of service". In one case the master can order or require what is to be done, while in the other case he cannot only order or require what is to be done, but how itself it shall be done. The distinction is - under a contract of service, a man is employed as a part of the business and work is done as an integral part of the business, while under contract for service, his work, although done for the business, is not integrated into it but is only accessory to it. But the test of being a servant does not rest now-a-days on submissions to orders. It depends on whether person is part and parcel of the organization.

16. Mere existence for a contract of service would not confer a relationship of employer and employee until the employer is in a position to control the work of the employee. A master is one who not only prescribes to the workman the end of his work, but directs or at any moment may direct the means also, or, as it has been put, "retains the power of controlling the work", a servant is a person subject to the command of his master as to the manner in which he shall do his work. An independent contractor is one who undertakes to produce a given result but so that in the actual execution of the work he is not under the order or control of the person for whom he does it, and may use his own discretion in things not specified before hand. Issue are, therefore, answered in favour of the management and against the workman.

17. As testified by Shri Taluja, Sunil Kumar used to perform dusting and cleaning job in the bank for two hours a day. Thereafter he used to work for Shri Shyam Sunder at his P.C.O. Shyam Sunder also confirms those facts. Consequently, it came to light that Sunil Kumar was a part-time employee, doing dusting and cleaning job. In such jobs, master asks the person to perform his job, without commanding how that job is to be done. It was a case of contract for service, in which situation the employee is not a part and parcel of the organization. Sunil Kumar was a casual worker, under contract for service. When exigencies of work came to an end, his services were dispensed with by the bank. Since he was not under the command of the bank, dispensation of his service can not be termed unjustified.

Issue Nos. 3 and 4.

18. Since Sunil Kumar was a part time casual employee, whose services were engaged on account of exigencies of work. It was a case of contract for service, hence he cannot claim benefit available to a regular employee. When exigencies of work came to an end management bank opted not to continue his services. Under these circumstances, action of the management in not continuing with the services of Sunil Kumar is found to be justified and legal. No benefits accrue in favour of Sunil Kumar, since he was not an employee, who can seek benefit under the provisions of the Act. There was an arrangement

between Sunil Kumar and the bank, when his services were engaged as a part time casual employee. Non renewal of that arrangement does not amount to termination of his services as contained in section 2(oo) of the Act. It being a case of contract for service, Sunil Kumar is not entitled for any relief when his services as part time casual employee were not further extended. An award is, accordingly, passed.

Dated : 1-10-2009

Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2009

का.आ. 3161.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ महाराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-सं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/84 ऑफ 2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-10-2009 को प्राप्त हुआ था।

[सं. एल-12011/52/2001-आई आर(बी-II)]

राजेन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 26th October, 2009

S.O. 3161.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.2/84 of 2001) of the Central Government Industrial Tribunal/Labour Court No.2, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 23-10-2009.

[No. L-12011/52/2001-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

Present

Shri A.A.LAD, Presiding Officer

Reference No. CGIT-2/84 of 2001

Employers in relation to the Management of Bank of Maharashtra

The Dy. General Manager,
Bank of Maharashtra,
Mumbai City Region,
Janmangal Bldg; Second Flr;
Mumbai Samachar Marg,
Mumbai-400023.....First Party

V/s

Their workmen

The General Secretary,
Bank of Maharashtra Employees
Union, 45/47 Mumbai Samachar Marg,
Mumbai-400022.....Second Party

APPEARANCE

For the Employer : Shri M.B.Anchan, Advocate.

For the Workmen : S/Shri Suresh Kumar and Delialah Fernandez, Advocates.

Date of reserving the Award : 23-6-2009

Date of passing the Award : 17-9-2009

AWARD-Part-I

The matrix of the facts as culled out from the proceedings are as under :

1. The Government of India, Ministry of Labour by its Order No. L-12011/52/2001/IR (B-II), dated 18th/22nd June, 2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Bank of Maharashtra by dismissing Shri S.S.Raut from the services of bank is justified and proper? If not, then what relief the workman is entitled to ?”

2. Claim Statement is filed by the Union at Exhibit-8 making out the case that, the concerned workman joined 1st Party as a Clerk on 21-12-1976. Concerned workman applied for the job on the basis of the Certificate of Domicile, Nationality and age certificate, which he got from the Executive Taluka Magistrate, Palghar, District Thane, dated 30-7-1974 where it was stated that, the concerned workman belongs to Hindu Samwanshiya Kshtriya which is a Scheduled Tribe. It is stated that, he also submitted to the Bank the School Leaving Certificate which states that, the concerned workman belongs to Somwanshiya Kshtriya Hindu community. According to the Union, the concerned workman got Caste Certificate from the Tahsildar, Palghar, District Thane showing that, he belongs to Scheduled Tribe category and more precisely to Somwanshiya Kshtriya community. However, Management issued chage sheet on 29-1-1987 alleging that, the concerned workman intentionally, fully well, knowingly hidden his caste and shown category of Scheduled Tribe though he does not belong to that category. Enquiry was conducted against him. The documents on which the Bank was relying were not proved to hold the concerned workman guilty of the charge of wrongly showing that, he belongs to Scheduled Tribe category. According to Union enquiry was not fair and proper and finding perverse. It is also stated that, the decision taken by the Management on said basis was wrong. It is stated that, principles of natural justice were not followed while conducting enquiry as well as while giving opportunity to the concerned workman. It is stated that, nobody has disputed that, the concerned workman does not belong to Somwanshi Kshatriya community. It is stated that, said Tahsildar of Palghar, District, Thane, who decided the Caste of the concerned workman of Scheduled Tribe category does not even has now power to say like that. It is stated that, the Bank perused the certificates and gave employment for which the concerned workman cannot be held guilty of the charge of misconduct as alleged. So it is prayed that, the enquiry conducted be observed not fair and proper and finding

perverse. It is further stated that, the decision given on the basis of the said findings require to quash and set aside with directions to 1st Party to reinstate concerned workman with benefit of back wages and continuity of service.

3. This is disputed by the 1st Party by filing Written Statement at Exhibit 10 making out the case that, the present Reference is not maintainable. It is further stated by the Bank that, the Caste of Somwanshi Kshatriya is not declared as Scheduled Tribe community. It is stated that, the Bank received a communication dated 22-10-1983 from the office of the Commissioner, Konkan Bhavan, New Bombay. Stating that, the concerned workman did not belong to Scheduled Tribe category. It is stated that, relying on the said communication Bank felt that, the concerned workman knowing fully well the fact that the concerned Workman does not belong to Scheduled Caste category though he has specifically declared in the application as a person of Scheduled Caste community and secured employment by giving false information. It is stated that, accordingly charge sheet was served on the concerned workman, Departmental Enquiry was conducted. It is stated that, the Enquiry Officer taking into consideration the evidence on record, observed concerned workman guilty of the charge of hiding his caste and wrongly showing as a person of Scheduled Tribe category. It is stated that, the said finding is just and proper and does not require interference.

4. Rejoinder is filed by the concerned workman at Exhibit 13 repeating and contending that, the enquiry was not fair and proper and finding perverse.

5. In view of the above pleadings my Ld. Predecessor framed the Issues at Exhibit 14. Out of them Issue No. 1 and 2 are to be tried as preliminary issues, which are on the point of fairness of enquiry and perversity of the finding which I answer as follows :

ISSUES	FINDINGS
1. Whether the domestic enquiry conducted against the workman was as per the principles of Natural Justice?	No
2. Whether the findings of the Enquiry Officer are perverse?	Yes

REASONS :

ISSUES Nos. 1 & 2 :

6. To show that, enquiry was not fair and proper concerned workman filed his affidavit at Exhibit 17 in lieu of his examination-in-chief making out the story as stated above saying that, he is not responsible for the "Caste Certificate" issued by Palghar Tahsildar i.e. by competent authorities and stated that, the person who issued the certificate is not examined. He states that, evidence is not brought on record to conclude to what extent he is responsible for the certificate issued by the Tahsildar of Palghar. Even he alleges that, Enquiry Officer was not having any evidence that, he hidden his caste and pretended to be a person of "Scheduled Tribe" to grab the job. In the cross he admits that, full opportunity was given

to him by the Enquiry Officer. According to him the person who issued the domicile certificate is not examined to observe or say that, the concerned person falsely claimed a person of that community. He admits that, the charge sheet produced in the enquiry was served on him. He claims that, he belongs to Somwanshi Kshatriya community. On that, 1st Party examined its witness Vinay Vasudeo Namjoshi by filing his affidavit at Exhibit 20 in lieu of his examination-in-chief, who states that, enquiry was fair and proper and finding not perverse. He also states that, question of guilty of the charge of falsely claiming to be a person of Scheduled Tribe community intentionally and knowingly though he does not belongs to that community it was proved before the Enquiry Officer. In the cross this witness states that, he did not remember whether copies of the enquiry proceeding were given by the Enquiry Officer to the concerned workman or not. He admits that, copy of the enquiry proceeding and finding of the Enquiry Officer are not filed on record. Then cross was deferred. Then in the next cross he admits that, there is no acknowledgement of the concerned workman to show that, the documents were served on him. Afterwards he states that, they will produce the original letter of Konkan Bhavan, New Mumbai. He states that, he has no idea who has produced the said document before the Enquiry Officer. He admits that, advertisement was given inviting the candidates belonging to Scheduled Tribe and Scheduled Caste to apply for the post at the time of the recruitment of the concerned workman. He admits that, the enquiry was proceeded against the concerned workman in his absence since he was absent. On that 1st Party closed evidence by filing closing purshis at Exhibit 32.

7. Oral arguments were submitted by the concerned workman which were replied by the 1st Party by filing written arguments at Exhibit 33.

8. Perused the same and the evidence referred above. Heard on the point of fairness of the enquiry and finding of the enquiry officer. Admittedly the concerned workman was not present in the enquiry. It is not shown by 1st Party that, he was aware of the enquiry. It is not shown by the 1st Party that, notices of every sitting were given to the concerned workman and served on him and still he remained absent. It is not brought on record by the 1st Party that, full opportunity was given to the concerned workman. On the contrary its witness admitted that, enquiry proceedings and finding is not placed on record. Whatever is produced is in the form of copy. The same is not original and in legible script to read it.

9. Charge of false representation i.e. claiming to be a person belonging to Scheduled Tribe was levelled against the concerned workman to grab the employment. However, it is not brought on record by 1st Party that, the person or the Authority which issued the Caste Certificate to the concerned workman says like that by examining it. Besides, it is not brought on record who decided the concerned workman of that community and who decided that the concerned workman is not a person of that community and caste? Moreover, no evidence is brought on record on which basis and who decided the caste of the concerned workman?

10. We are aware that, Caste is decided by a particular Authority i.e. by Taluka Magistrate and that jurisdiction is with that authority. It is to be noted that, said Authority appears to not have been examined by the Enquiry Officer to conclude otherwise. It is to be noted that, the said Caste Certificate was issued by Tahsildar, Palghar Taluka, District Thane i.e. by competent authority and nobody was examined from office of the Tahsildar, Palghar to show that, it was forged or was obtained by playing fraud by the concerned workman. When all these things are there and when admittedly the concerned workman was not present in the enquiry one has to conclude that, enquiry was not fair and proper. When enquiry is not fair and proper the definitely one has to conclude that, finding was perverse.

11. Considering all this and considering that, no authority or a person from Tahsildar, Palghar is examined on Caste Certificate and when concerned workman was not present in the enquiry, I conclude that, the enquiry was not fair and proper and finding perverse. So I answer these Issues to that effect and passes the following order:

ORDER

- (a) Enquiry is not fair and proper;
- (b) I observe finding of the Enquiry Officer perverse;
- (c) 1st Party to justify its action.

Bombay, A. A. LAD, Presiding Officer
17th September, 2009.

नई दिल्ली, 26 अक्टूबर, 2009

का.आ. 3162.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जवाहरलाल नेहरू पोर्ट ट्रस्ट एवं न्वाहा सेवा प्रकल्प पीडित मजदूर सहकारी संस्था, नवीन सेवा के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/67 ऑफ 2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-10-2009 को प्राप्त हुआ था।

[सं. एल-31011/15/2004-आई आर(बी-II)]

राजेन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 26th October, 2009

S.O. 3162.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.2/67 of 2005) of the Central Government Industrial Tribunal/Labour Court No.2, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employees in relation to the management of Jawaharlal Nehru Port Trust & M/s. Shanteshwari Nhava sheva Prkalp-pidit Sanstha Navin Sheva and their workman, which was received by the Central Government on 23-10-2009.

[No. L-31011/15/2004-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT

A. A. LAD, Presiding Officer

Reference No. CGIT-2/67 of 2005

Employers in relation to the Management of

(1) Jawaharlal Nehru Port Trust

(2) Shanteshwari Nhava Sheva Prkalp-pidit Mazdoor Sahakari Sanstha,

(1) The Chairman

Jawaharlal Nehru Port Trust
Administrative Building, Nhava Sheva
Navi Mumbai-400707.

(2) M/s. Shanteshwari Nhava Sheva Prkalp-pidit Mazdoor Sahakari sanatha

Navin Sheva
C/o. Jawaharlal Nehru Port Trust
Administrative Building, Nava Sheva
Navi Mumbai-400707.

And Their Workman

Nhava Sheva Port & General Workers Union
The General Secretary
Nhava Sheva Port & General Workers Union
Port Trust Kamgar Sadan, 2nd floor
Nawab Tank Road, Mazgaon
Mumbai-400010.

APPEARANCES

For the Employer No. (1) : Mr. L.L.D'Souza,
Representative

For the Employer No.(2) : No appearance

For the Workmen : Mr. J.H.Sawant, Representative

Mumbai, dated 11th September, 2009.

AWARD

1. The The Government of India, Ministry of Labour, by its Order No. L-31011/15/2004-IR (B-II) dated 28-4-2005 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 have referred the following dispute to this Tribunal for adjudication:—

“Whether there is any relationship of employer and employee between the management of Jawahar Lal Nehru Port Trust and Shri Jairam Dattaram Mhatre, Shri Kamlakar Vasant Patil and Smt. Kamala Bai Jalindar Mhatre engaged through the contractor viz. M/s. Shanteshwari Nhava Sheva Prkalp-pidit Mazdoor Sahakari Sanstha, Navin Sheva? If so, whether the action of the management of J.N.P.T. in not regularising them in service as demanded by Nhava Sheva Port & General Workers' Union is legal and justified? If not what relief the workmen concerned are entitled to?”

2. Claim statement is filed at Ex-7 which is replied by the first party by filing written statement Ex-8. Issues were framed at Ex-9 and reference was posted for recording evidence.

3. However by purshis Ex-10, union requested to permit it to withdraw the reference. Hence the order :

ORDER

In view of Ex-10, reference is disposed of for want of prosecution.

Date: 11-9-2009

A. A. LAD, Presiding Officer

Exh. No. 10

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.-2, MUMBAI

Ref: No. CGIT-2/67 of 2005

J.N.P.T.....First Party

Vs.

Their WorkmenSecond Party

Application for disposal of the reference for want of prosecution.

MAY IT PLEASE YOUR HONOUR

The Second Party Prays that this Hon'ble Tribunal may be pleased to dispose of the reference for want of prosecution and oblige.

Mumbai

Sd/-

Date: 11-9-2009.

(Jaiprakash Sawant)

No Objection

Representative for Second Party

Sd/-

Sign. illegible

For lancy D' Souza

For 1st Party.

नई दिल्ली, 26 अक्टूबर, 2009

का.आ. 3163.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, मुम्बई के पंचाट (संदर्भ संख्या 2/29 ऑफ 2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-10-2009 को प्राप्त हुआ था।

[सं. एल-12011/10/2003-आई आर (बी-11)]

राजेन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 26th October, 2009

S.O. 3163.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/29 of 2003) of the Central Government Industrial Tribunal/Labour Court, No.-2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BANK OF INDIA and their workmen, which was received by the Central Government on 23-10-2009.

[No. L-12011/10/2003-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT

A. A. Lad, Presiding Officer

Reference No. CGIT-2/29 of 2003

Employers in Relation to the Management of Bank of India

The General Manager (P)

Bank of India

Mumbai South Zone

Bank of India Building

70-80, M.G. Road

Fort

Mumbai-400 023.

V/s.

Their Workmen

The General Secretary

Bank of India Staff Union

Bank of India Building

70-80, M.G. Road, Fort

Mumbai-400 023.

APPEARANCES

For the Employer : Mr. L. L. D'Souza
Representative

For the Workmen : Mr. M. B. Anchan
Advocate

Mumbai, dated 1st August, 2009

AWARD PART-II

The Government of India, Ministry of Labour by its Order No. L-12011/10/2003-IR(B-II) dated 20-5-2003 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Bank of India, Mumbai South Zone, Mumbai in dismissing Shri Sanjay Shete from service w.e.f. 10-8-2001 is justified? If not, what relief the workman Shri Sanjay Shete is entitled to?"

2. Claim statement is filed by General Secretary of the Union making out case that, concerned workman Sanjay Shete was a permanent sub-ordinate staff and was member of the Union. On 18-7-2000 chargesheet was served on him alleging that, he did some withdrawal in the accounts of Shri Purushotam Singh and Shri Rama Iyer of Maheshwari Udyan Branch by using fraudulent cheques and suppressed the evidence about the said so that, said act cannot be detected, by taking help of other staff namely Dalvi and Deshmukh and destroyed the documents used in the transaction. As per chargesheet, it was alleged that, concerned workman was responsible for the serious loss

to the Bank to the tune of Rs. 1,55,000 and as such, he committed an offence punishable under clause 19.5 (j) of the first Biapartite settlement dated 19-10-1966. According to union, farce of enquiry was made by the Bank by issuing show cause notice dated 09-03-2001. It is alleged that concerned workman was not permitted to take help of defence representative. It is case of the second party that investigation report was not submitted to the concerned workman. It is alleged that, the witnesses examined in the investigation were not made available for cross and based on that, Inquiry Officer declared concerned workman guilty of the charges.

It is alleged that, other workmen involved in the so called incident were not prosecuted. It is alleged that scapegoat was made of the concerned workman to hide others and as such, decision taken on such a faulty enquiry of termination is not just and proper. It is stated that even finding given by Inquiry Officer is not on the evidence placed before him who observed concerned workman guilty of charges leveled against him. So it is prayed that, enquiry conducted be declared not just and proper, findings perverse and request to reinstate concerned workman with all benefits.

3. This is disputed by the Bank by filing reply Ex-9 making out case that, concerned workman at the relevant time was a sub-staff at Maheshwari Udyan branch between 23-03-1988 to 01-01-1998. It was alleged that, concerned workman fraudulently collected payment of Savings Bank A/c No.421 against token No. 41 & 44 on 10-10-97 to the tune of Rs. 30,000 and on 23-10-97 to the tune of Rs.20,000. It is alleged that all these reveals that, concerned workman was involved in the fraud by obtaining cheque book by stealing those from the record of the Bank. It is further alleged that, concerned workman was suspended during the investigation. It is stated that one of the customer, Purushotam Singh was maintaining savings bank account no.5451 with Maheshwari Udyan branch which was dormant from 20-06-1988 and credit balance in said account on 01-01-1997 was Rs. 96,408.08. It was alleged that, concerned workman conspired with Dalvi the other staff working at Maheshwari Udyan branch and fraudulently obtained cheque book bearing serial nos. 453141 to 453150 in SB Account No. 5451 of the aforesaid person and fraudulently withdrew an amount of Rs. 80,000 from the said account on various dates. It is also alleged that, said workman unauthorisedly wrote the summary payment scroll book and then managed to destroy all relevant documentary evidence regarding cheque book, requisition slips, account opening forms and other relevant documents to unable to detect the act. It was also alleged that, one Rama Iyer was having Saving Bank Account No.421 in the said branch and it was dormant since 1994 and in that account Rs.76,382.66 paise were shown balance. It is alleged that, this

workman with the help of Dalvi and Deshmukh fraudulently obtained on 04-07-1997 a cheque bearing serial nos. 622326 to 622350 of the said account number and managed to withdraw Rs.75,000. It is stated that accordingly, concerned workman was chargesheeted on 18-07-2000 leveling charge of gross negligence, acting against interest of Bank and was negligent in the work which involved Bank in serious loss and as such departmental enquiry was conducted by leveling charge of misconduct. It is stated that, Shri V.S. Haldankar was appointed as Inquiry Officer in the Departmental enquiry who completed it by conducting five sittings. It is stated that, Inquiry Officer recorded evidence and allowed Bank to produce evidence and gave opportunity to the concerned workman to lead his evidence and then concluded concerned workman guilty of the charges. Is stated that said finding was accepted by disciplinary authority and concerned workman was punished as per standing orders by issuing punishment of dismissal. It is stated that, concerned workman was given opportunity to represent himself through his representative. It is stated that Inquiry Officer evaluated the evidence on record and evidence given by the witnesses. It is stated that, both were heard after evidence and based on the evidence placed, finding was given which did not require to interfere. So it is submitted that, the prayer of concerned workman for declaring enquiry not fair, proper and findings perverse does not require to consider and deserve to reject by maintaining punishment awarded.

4. In view of above pleadings, issues were framed at Ex-19. Out of those, issue nos. 1 & 2 were decided as preliminary issues which were pertaining to fairness of enquiry and perversity of findings and said were decided by passing Part-I award dated 29-01-2008 holding inquiry fair and proper and findings not perverse.

5. Now issue of quantum of punishment remain which is framed as issue no. 3 and in consequence of that, prayer of second party of reinstatement vis-a-vis other ancillary relief sought by workman are answered as follows :

Issues	Findings
(iii) Whether termination is Justifiable?	Yes
(iv) Is second party workmen entitled for reinstatement?	No
(v) Is second party entitled for interim relief?	Does not arise
(vi) What order?	As per order below

Reasons**Issues Nos. 3 & 4 :**

6. Now, this time we are on the point of quantum of punishment vis-a-vis on the prayer of second party who pray for reinstatement.

7. By passing Part-I award, this Tribunal observed enquiry fair and proper and findings not perverse.

8. Inquiry Officer observed concerned workman guilty of the charges leveled against him. It is to be noted that said findings are not disturbed nor challenged by the second party before any forum.

9. Now second party workman filed affidavit at Ex-33 on quantum of punishment and on his prayer of reinstatement and closed oral evidence by filing purshis Ex-34 against that no evidence was led by first party and closed its evidence by filing purshis Ex-35. Written argument was filed by second party at Ex-36 and by first party at Ex-37.

10. As stated above, findings given by Inquiry Officer which was observed as not perverse, in not challenged by the concerned workman before any forum. That means, charge leveled against concerned workman of fraudulently withdrawing amount of Rs.80,000/- from S. B. A/c No. 5451, destroying documentary evidence, charge of making conspiracy with other staff while operating SB A/c. No. 5451 and doing act prejudicial to the interest of the bank describing as misconduct is concerned, is not disturbed by any forum. The Inquiry Officer observed concerned workman guilty of all the charges and said findings is not disturbed.

11. In this second round of litigation, second party filed affidavit on the point of quantum of punishment and on his prayer of reinstatement. We find in his affidavit which is filed at Ex- 33, he again commented on the findings given by Inquiry Officer. He also made allegation that others are let off but he only is prosecuted. He also alleges that negligence of other staff i.e. Cashier was not considered by first party and he was only punished. In the written arguments on the same line second party contends that, he was only punished and others were not considered by the first party for those events. Even he alleges that, Dalvi and Deshmukh against whom it is alleged that concerned workman made conspiracy are also not prosecuted by first party. He also made out case that, cashier without slip makes the payment and was also not prosecuted. That means in the written arguments as well as in the affidavit which he filed second time in this proceeding he is on the point of findings of the Inquiry Officer.

12. By passing Part I award, this Tribunal considered the point of fairness of enquiry and finding of Inquiry Officer observing enquiry was fair and proper and findings not perverse. Against that no any specific case is made by concerned workman as to why action taken by the first

party of removal is not just and proper. It is to be noted that relying on the findings given by Inquiry Officer, first party decided to dismiss concerned workman w.e.f. 10-8-2001.

13. Now we have to consider whether said action of dismissal taken by first party in this scenario against concerned workman is just and proper?

14. As stated above, charge of misconduct and charge of operating accounts of others was leveled against concerned workman. Even charge of fraud, charge of destroying evidence, charge of operating accounts of others with the help of staff and doing act prejudicial to the interest of the Bank was leveled against concerned workman. Inquiry Officer conducted enquiry and observed concerned workman guilty of the said charges.

15. When charges were proved against concerned workman, which were of serious nature i.e. of charge of misconduct which was leveled considering that concerned workman acted prejudicial to the interest of the bank and shown gross negligence about his duties, charge of operating accounts of others with the help of staff more precisely of account of Shri Ram Iyer having SB A/c. No. 421 and SB A/c. No. 5451 of one Purushotam Singh are proved against concerned workman. Even charge of taking help of others in doing said operation is also proved against concerned workman. The loss to the bank as a result of the act of concerned workman is to the tune of Rs. 1,55,000. When there are proved charges which are against concerned workman in my considered view how this type of person is deserving for leniency?

16. In the written arguments he prayed leniency and prayed to award other punishment or lesser punishment. That means, he admits the guilt and prays for lesser punishment or leniency.

17. When concerned workman admits the guilt and when first party depending on the findings of Inquiry Officer where charges were proved against concerned workman, in my considered view, employee of this type does not deserve any leniency.

18. Number of citations are referred by first party on that point, more precisely citation published in 2003-I-CLR 712, Citation published in 1997 (4) LLN 424, Citation published in 2008-I-CLR 827, citation published in 2008 LLR 790 as well as citation published in 2001 III CLR 325 which in my considered view need not be commented now since ratio laid in those are not in quarrel.

19. So if we considered all these coupled with ease made out by both, I conclude that second party is not entitled for reinstatement sine order of dismissal is just, proper and adequate. So I answer these issues to that effect.

Issue No. 5 :—

20. Second party also prayed interim relief in terms of prayer (b) in the claim statement. In prayer (b) of claim statement, he prayed to direct management to reinstate

him with all backwages and other benefits. Since second party is unable to establish that charges leveled against him are not proved and he is entitled for lesser punishment, in my considered view question of relief sought even at this stage does not deserves to be considered. So I reject the prayer prayed by second party.

21. In view of above discussions, I conclude that, action of first party does not require to be interfered. So I reject the prayer and passes the following order :

ORDER

Reference is rejected
with no order as to cost

Date : 01-08-2009

A. A. LAD, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2009

का.आ. 3164.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या 14/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-10-2009 को प्राप्त हुआ था।

[सं. एल-12011/21/2006-आई आर (बी-II)]

राजेन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 26th October, 2009

S.O. 3164.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 14/2006) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 23-10-2009.

[No. L-12011/21/2006-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- Cum-LABOUR COURT LUCKNOW

PRESENT

N. K. Purohit, Presiding Officer

I. D. No. 14/2006

Ref. No. L-12011/21/2006-IR (B-II) dated 20-6-2006

BETWEEN

The General Secretary,
Central Bank Staff Association
Central Office, Kanpur (U. P.)

(Espousing the cause of Sh. Jagdamba Prasad)

AND

The Asstt. General Manager
Central Bank of India
Regional Office, 73, Hazratganj
Lucknow-226 001

AWARD

30-09-2009

1. By Order No. L-12011/21/2006-IR (B-II) dated 29-06-2006 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between the Asstt. General Secretary, Central Bank Staff Association, Central Office, Kanpur and the Asstt. General Manager, Central Bank of India, Regional Office, 73, Hazratganj, Lucknow for adjudication.

2. The reference under adjudication is as under :

“Whether the action of the Management of Central Bank of India, in imposing punishment *vide* Order Dt. 13-06-2003 upon Shri Jagdamba Prasad, Clerk and Rejection of his appeal by means of Order Dt. 07-01-2004 were legal and justified? If not, what Relief the workman concerned is entitled to?”

3. It is admitted case of the parties that the workman Jagdamba Prasad was served upon a charge sheet dated 2-4-2002 followed by a corrigendum thereto dated 28-8-2002 for alleged misconduct of preparing two bogus FDRs, making premature payment of the same, in cash, beyond permissible limit for cash payment and for tempering the evidence to hide his above referred misconducts. Shri V. C. Jain was appointed as Inquiry Officer to inquire into the charges and on conclusion of said inquiry, the workman has been punished by penalty order dated 13-6-2003 whereby he has been punished with reduction of two increment for two years in the time scale of pay with cumulative effect and his appeal too was rejected by the Appellate Authority *vide* order dated 17-1-2004.

4. The workman's union in its statement of claim has submitted that the preparation of FDR is a teamwork, which involves Branch Manager, Clerk and or cashier and Daftary but they were not examined before the Inquiry Officer to prove the charges. It has been alleged by the workman's union that the workman has neither been furnished the list of documents relied upon by the Bank nor the documents demanded by him, during the inquiry, were provided to him in order to put his effective defence before Inquiry Officer. It has been submitted by the workman's union that the bank authorities while conducting the inquiry have violated principles of natural justice by not providing him proper opportunity to defend himself and by not producing material witness in support of their charges. It has further been alleged by the workman's union that the impugned order dated 13-6-2003 is in violation of provisions contained in Bipartite Settlement and also it has been issued without

considering the facts, circumstances, evidence on records and arguments of the workman, with non-application of mind. Further the workman's union has alleged that the Appellate Authority too has not dealt with the appeal of the workman in accordance with the provisions of law and rejected the same *vide* order dated 17-1-2004 and accordingly, it has prayed that the impugned orders dated 13-6-2003 and 7-1-2004 be rejected with consequential benefits to the workman concerned.

5. The management of Bank of Central Bank of India has denied the allegations of the workman's union by filing its written statement wherein it has submitted that it produced relevant witnesses before inquiry and the workman was given full and proper opportunity to defend himself before Inquiry. The opposite party has further submitted that it has not violated any provisions as that of natural justice in conducting the inquiry against the workman of that of Bipartite settlement in passing impugned order dated 13-6-2003 and 7-1-2004. Also, the Disciplinary Authority as well as Appellate Authority passed respective penalty order and appellate order after considering entire facts, circumstances, evidence on records, argument of workman and full application of mind.

6. The union has filed rejoinder whereby it has just reiterated its averments made in the statement of claim instead of introducing new fact.

7. The parties have filed documents in support of their respective case. The workman has examined himself whereas the opposite party has examined Shri B.B. Lal, Asstt. Manager in support of their case. Both the sides have filed written arguments besides putting oral submissions.

Heard both the parties and perused the relevant material record.

9. The learned representative on behalf of the workman has submitted that no document has been referred in the charge sheet and in the inquiry report the reliance has been put on the documents which have not been referred in the charge sheet. The role of the workman in the alleged misconduct is also not mentioned in the charge sheet, therefore, charges are vague. He has further contended that prosecution produced the documents during examination of MW-1 and copies of the same were made available to the workman after his production. No time was provided for preparation of defence which is violative of principles of natural justice. Further, material witness S. N. Tandon, FDR In charge, Prithvi Pal, Asstt. Manager, A. N. Pandey, Sr. Manager have Not been produce. Non-production of material witness is also violative of principles of natural justice. It is also contended that material documents like account opening card, specimen signature card, credit vouchers have not been produced during inquiry proceedings. The workman

requested the Inquiry Officer to direct the Presenting Officer to produce Shri A. N. Pandey, the then Sr. Manager of the branch to state the action taken by him after receipt of ledger folio and letter but his request was rejected without any reason. Non consideration of defence is also violative of principles of natural justice. The workman demanded voucher movement register in order to prove contentions that the vouchers were in custody of daftary. The above register was very relevant and the Inquiry Officer directed the Presenting Officer to produce the same during the cross-examination of MW-1 but the same was not provided on one pretext or the other. Its non-production is also violative of principles of natural justice. The Inquiry Officer has found that there is no direct evidence of indulgence of workman in removing the concerned records of FDRs. His entire findings are based upon suspicion, which cannot take place of legal proof. The findings of Inquiry Officer are perverse in law and facts both. He has also contended that there was no specific column of address in FDR ledger. Non writing of address cannot be treated as misconduct.

10. He has further submitted that the Disciplinary Authority has failed to consider the representation of the workman against findings of the Inquiry Officer and no reason has been recorded and order of Disciplinary Authority is non-reasoned. The order of Appellate Authority is also non-speaking and non-reasoned. The punishment order has been passed under clause 6 (e) DAP dated 10-4-2002 but this clause does not empower the Disciplinary Authority to impose punishment with cumulative effect. The Disciplinary Authority has imposed punishment which was not given in the list of penalties as such illegal and without jurisdiction and is liable to be set aside. In support of his contentions he has placed reliance on following case laws :

- (i) 1999 SCC (L & S) 429 Kuldeep Singh vs. Commissioner of Police.
- (ii) 2007 SCC (L & S) 254 Govt. of A. P. vs. Venkata Raidu.
- (iii) 2000 SCC (L & S) 85 Hardwari Lal vs. State of U. P.
- (iv) (2001) 1 SCC (L & S) 398 Roop Singh vs. Punjab National Bank.
- (v) 2007 (2) ALJ 119 (DB) Sharwan Kumar Purwar vs. IG (Registration) U. P.

11. Per contra, the learned representative on behalf of the management has submitted that the charges levelled against the workman stands well proved. The FDRs and other relevant documents could not be produced because they were removed by the workman to cover up his misconduct. Shri S. N. Tandon, Asstt. Manager was also charge sheeted and punished after regular inquiry for his lapses. He has further submitted that the responsibility of producing material witness pertaining to defence cannot be fastened upon the management. If the witnesses said to

be material witnesses and were so important from the point of view of defence, the workman had option to adduce their evidence in defence. The domestic inquiry has been conducted after affording full opportunity to the workman at every stage of inquiry to defend himself by the defence representative. The orders of Disciplinary Authority and Appellate Authority are well considered and well reasoned. In respect of his contentions reliance has been placed on 2006 SCC (L & S) 265 T.N.C.S. Corpn., Ltd., and others vs. K. Meerabai.

12. I have perused the relevant material on record in the light of the argument advanced by the learned representatives on behalf of both the sides.

13. The management has produced the documents in the enquiry during examination in chief of MW-I and also provided the copies thereof after its production. The contention of the workman's representative is that no time was provided for examination of management document and preparation of defence.

14. It reveals from the enquiry proceedings dt. 11-6-2002 that management intended to produce the following documents to substantiate the management case:

1. FDR ledger folio 174
2. Cash book for related dates/period
3. Office order book for related period
4. Cash receipts/payment register of cash department for relevant dates
5. Attendance Register
6. Copy of page no. 16 of manual of instruction of time deposit.

15. It is evident from the enquiry proceedings that the workman was required to inform if he would like to have inspection of document intended to be produced and was required to complete the inspection before next date and the presenting officer was directed to make available the list of documents. On the next date of hearing no objection was raised regarding not making available documents for inspection at the time of exhibiting document during examination in chief of the MW-I. It further reveals from the proceedings dt. 20-8-2002 that copies of proceedings on date alongwith the exhibited documents were handed over to the workman and no objection was raised as regards not supplying the copies earlier. Since, copies of the documents exhibited have been provided to the workman and on subsequent date the management witness has been cross examined by the workman side therefore, it cannot be said that sufficient time was not provided for preparation of defence.

16. During enquiry proceedings on 23-8-2002 request was made by the workman side to provide certain documents namely, duties of the daftary, cashier circular regarding appointment of sub staff and security of documents copies of preliminary investigation report and

FIR lodged for the charges for cross examining the management witness. But the request was not accepted on the ground that most of the record sought has no relevancy. As regards preliminary investigation report and FIR, if lodged, the Presenting Officer was advised to refer the matter to disciplinary authority and place his version on the same. It reveals from the proceedings that it was informed by the Presenting Officer that no FIR has been registered by the police authority and the charge sheet is not based on any investigation report and it has no nexus to the charge sheet. Considering the same as version of the disciplinary authority, the enquiry officer did not accept the request regarding production of the documents. In view of the nature of documents required by the workman it cannot be said that any prejudice has been caused to the workman by denying the same.

17. The learned representative on behalf of the workman has argued that failure to examine the material witness Sh. A.N. Pandey, Sr. Manager, Sh. S.N. Tandon, Time Deposit Incharge and Sh. Prithvi Pal, Cash Incharge by the management has vitiated the proceedings and caused prejudice to the workman. In support of his case he has placed reliance on 2000 SCC L&S 85.

18. In Hardwari Lal's case the appellant was a police constable charged of having abused his colleagues, he was under influence of liquor but neither complainant nor the other employee who accompanied the appellant for medical examination was examined. Hon'ble Apex Court observed that non examination of the material witness has violated the principle of natural justice. In present case, only witness which has been examined in the enquiry by the management side is Sh. R.C. Gupta, MW-I. who has stated the procedure for opening FDR account. According to him, when a customer comes to the bank for issuance of FDR he approaches the FDR Incharge who obtained FDR form and specimen card duly filled and signed by the customer and also get photographs affixed on the application form and specimen card and also take the introduction. FDR is made through cash deposit paying slip and the cash is deposited after getting scrolled in account section and cash deposit register. Whereover the deposit is made through transfer, customer issue cheque/withdrawal to debit of his account after getting signed/ passed voucher by the departmental clerk to FDR received and the same is hand over to the customer after getting the signature of two branch officials out of which one is to be time deposit incharge. He has also stated that the concerned deposit incharge has to ensure completion of required formalities.

19. MW Sh. R.C. Gupta has further stated that for premature payment of FDR received when customer approaches to time deposit incharge with an application alongwith received FDR Incharge after verification gets FDR receipts duly discharged by customer and directs him to get his application form premature payment

sanctioned by the Branch Manager then the concerned FDR alongwith sanction application is sent to concerned clerk for doing other formalities in connection with premature payment. In cash payment, the concerned clerk make the entries of received in FDR register and account section cash payment register. Then cash payment register sent to incharge for issuing of token and passing of the voucher for cash payment in case of transfer the deposit receipt and credit voucher entered into the transfer register by the concerned clerical staff and then sent to the Incharge of department for passing. At last the Chief Cashier/Payment Cashier makes the cash payment on the receipt of the token as per FDR receipt.

20. Admittedly, the workman was clerk in the time deposit section of the bank and Sh. S. N. Tandon was FDR Incharge at relevant time and Sh. A.N. Pandey was Sr. Manager and Sh. Prithvi Pal was Cash Incharge and it is evident from the evidence of the Sh. R.C. Gupta opening and withdrawal for premature payment requires involvement of Time Deposit Incharge and Cash Incharge and Sr. Manager concerned. He was not Sr. Manager at the relevant time of the alleged episode. The Cash Incharge and Time Deposit Incharge and the Sr. Manager concerned at the relevant time were material witness. It is evident from the enquiry proceedings that request was also made for examination of the said witness by the workman but the enquiry officer denied the same. Sh. S.N. Tandon the then Time Deposit Incharge, who could only state the existence of general credit voucher or on what basis he had counter signed the FDR. Management witness MW-1 has been examined. The management witness has admitted that in absence of credit voucher counter signing officer could not sign the FDR and he can not sign without verification of credit voucher and authority must see voucher before signing FDR. MW-1 has further stated that it was necessary on the part of the Time Deposit Officer and Paying Cashier to see that payment of FDRs in question were made as per laid down procedure. Thus, from the statement of the MW-1 it reveals that in process of opening and payment of FDR amount, the role of cashier and FDR Incharge is significant but they have not been examined and MW-1 Sh. R.C. Gupta has been examined who had no role in the said process. Examination of those material witnesses would have reveal as to whether the voucher were counter signed and whether the voucher existed. FDR were prepared without relevant credit voucher. The contention of the management that if material witnesses were so important from the point of view of the defence the workman had option to adduce their evidence in defence is not sustainable. The burden was on the management to prove the charges levelled against the workman. While appreciating the evidence on record by the enquiry officer, the impact of testimony of the material witness cannot be visualized. Thus, non-examination of the material witness has prejudice the case of the workman and violated the principle of natural justice.

21. It is alleged in the charge sheet that the workman with ulterior motive indulged in removing the related record such as credit voucher, specimen signature card, bogus deposits receipts, cash payment register and counter foil of deposit receipts. It is pertinent to mention that charge under article I is regarding preparing two bogus FDR bearing no. 29/258 and 29/259 for Rs. 50,000 each but the said FDRs have not been produced in the enquiry. The contention of the management is that the above record has been removed by the workman. Thus, in the enquiry document which have been referred have not been produced and documents on the basis of which the enquiry officer found the workman guilty have not been referred in the charge sheet. In 1999 SCC L & S 429 Hon'ble Apex Court has observed that reliance on document which was not mentioned in the chargesheet could not relied on or even referred to, by the disciplinary authority.

22. The learned representative on behalf of the workman has submitted that there is no direct evidence of indulgence of workman in removing the concerned records of FDRs. The entire findings are based on suspicions where as the learned representative on behalf of the management has urged that in the facts and circumstances of the case the only inference that can be drawn is that the workman has removed the disputed documents to cover up his misconduct.

23. The workman has produced memo dt. 11.1.97 for missing of record related to FDR which was issued by the then Sr. Manager Sh. A.N. Pandey. The said memo was not having allegation of removing records related to the FDRs by the workman and this fact has been admitted by MW-1. The management witness has admitted in his statement that generally Daftary was responsible for security of vouchers. It reveals from the record that neither enquiry nor any investigation was done in this regard. The enquiry officer himself admitted that there is no direct evidence against the workman for alleged misconduct of removing the disputed record. It is settled position that disciplinary authority are of quasi-judicial character and therefore, it is necessary that such authority should arrive at its conclusion on the basis of some evidence i.e. to say such evidence which and that too with some degree of the definiteness point to the guilt of the delinquent and does not leave matter in suspicious stage as mere suspicions can not take place of proof even in domestic enquiry.

24. In the present matter there is no such evidence that there was no access of others where the missing record was kept. The Daftary who has been said to be custodian of the record has not been examined. The workman was not custodian of the record, therefore, findings recorded by the enquiry officer in regard 'to allegation of removing of record are not supported by evidence only inference has been drawn on the basis of surmises and conjuncture therefore, in this regard findings on the basis of that is perverse.

25. The management witness has deposed in his statement during enquiry that address should be generally written on FDR ledger below the name of the account holder. He has further stated that the workman should have note down the address on the ledger account of Sh. Pawan Kumar Pandey. During the statement of management witness two FDRs in the same ledger have been exhibited whereas the address of the account holder of FDR was written to show that there was practice of writing address in the FDRs. From the evidence of the management witness it is evident that address should be generally written as per practice. Admittedly, there is no specific column for writing address. It is not the case of the management that there were any specific order or directions to write down address of the account holder in the FDR ledger. Therefore, there is substance in the contention of the representative on behalf of the workman that non-writing of address in such circumstances is not misconduct. Even if there was any practice of writing address deviation from the same does not amount any misconduct, in absence of any column or directions in this regard, therefore, the findings of the enquiry officer in this regard is also perverse.

26. Vide impugned order dt. 13-6-2003 the disciplinary authority has imposed consolidated punishment of reduction of two increments for 2 years in the time scale of pay with cumulative effect under clause 6(e) of the DAP dt. 10-4-2002. Charges under article 1, 2 and 3 the same punishment has been awarded. The contention of the learned representative on behalf of the workman is that the punishment imposed is not beyond the scale of clause 6(e) of DAP dt. 10-4-2002. As the said clause does not empower the disciplinary authority to impose punishment with cumulative effect as it is bigger penalty whereas the learned representative on behalf of the management has urged that the disciplinary authority taking into consideration the past services of the workman to give the chance to improve had taken lenient view and awarded a consolidated punishment under clause 6(e) of DAP dt. 10-4-2002.

27. Penalty under clause 6(e) of DAP dt. 10-4-2002 is as under:

"Be brought down to the earlier stage in the scale of pay to maximum of 2 stages."

28. The above clause does not empower to impose the said penalty with cumulative effect which results in reducing increment for ever during the entire service period, thus, the disciplinary authority has imposed the punishment which was not given in the list of penalties. In 2007 (2) ALJ 119 (DB) penalty of withholding integrity of the employee was not enumerated in the heads of penalties to be imposed upon government servant under Rule 49 of Civil Services (CCA) Rules, 1930 but the same was imposed

upon the employee concerned, therefore, Hon'ble Allahabad High Court observed that the order being beyond the scope of statutory rules, is liable to be quashed. Since in present case the reduction of two increments for two years in time scale of pay with cumulative effect has been imposed as such the impugned order punishing the workman is per se illegal and beyond the scope of clause 6(e) of DAP dt. 10-4-2002, therefore, the impugned order is liable to be set aside on this ground also.

29. It is well-settled legal position that Tribunal would not interfere the findings of enquiry officer or Disciplinary Authority as a matter of course. The Tribunal is not supposed to sit as Appellate Authority over the orders of Disciplinary Authority and substitute its own conclusion in place of the Disciplinary Authority. But this does not mean that in all circumstances the Tribunal can not interfere. Where enquiry conducted in violation of principle of natural justice or findings of the Enquiry Officer is perverse or order is illegal, this Tribunal is empowered to interfere the findings of Enquiry Officer or Disciplinary Authority.

30. In present matter, material witness have not been examined, therefore, prejudice has been caused to the workman and it is violative of principle of natural justice. Further the findings of the enquiry officer are also perverse. Moreover, punishment imposed by the impugned order is per se illegal being beyond the scope of clause 6(e) of the DAP dt. 10-4-2002. Therefore, the action of the management of the bank in imposing punishment upon the workman vide order dt. 13-6-2003 and rejection of his appeal vide order dt. 7-1-2004 is not justified and legal. Resultantly, the impugned orders dt. 13-06-2003 and 07-01-2004 of Disciplinary Authority and Appellate Authority respectively are set aside. The workman is entitled to get consequential benefits as a result of setting aside of the said orders.

31. The reference under adjudication is answered accordingly.

Lucknow

30-9-2009

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 2009

का.आ. 3165.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन के संबंध में निदेश और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण/अस न्यायालय, चेन्नई के चर्चा (संदर्भ संख्या 32/2007) को प्रकाशित करती है, जो केंद्रीय सरकार को 23-10-2009 को प्राप्त हुआ था।

[सं. एल-12011/21/2007-आई आर (बी-11)]

राजेश कुमार, डेस्क अधिकारी

New Delhi, the 26th October, 2009

S.O. 3165.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32/2007) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Overseas Bank and their workmen, which was received by the Central Government on 23-10-2009.

[No. L-12011/21/2007-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Tuesday, the 13th October, 2009

PRESENT

A. N. Janardanan, Presiding Officer

Industrial Dispute No. 32/2007

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Overseas Bank and their Workman)

BETWEEN

Indian Overseas Bank : 1 Party/Petitioner
Employees Trade Union
Rep. by its General Secretary
No. 25, Rangoon Street
Thousand Lights
Chennai-600006

Vs.

The Chief Regional Manager : 2nd Party/
Indian Overseas Bank Respondent
Regional Office No. 40
80 Feet Road
Anna Nagar
Madurai-620020

APPEARANCE

For the 1st Party/Petitioner : M/s. K. V. Ananthakrishnan
For the 2nd Party/Management : M/s. N.G.R. Prasad

AWARD

The Central Government, Ministry of Labour vide its Order No. L-12011/21/2007-IR (B-II) dated 4-7-2007 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the punishment of bringing down the Basic Pay to the lower stage in the Scale of Pay by 2 stages awarded to Sri K. M. Ravichandran, Clerk of Indian Overseas Bank, marambudi Branch, Madurai Region by the management of Indian Overseas Bank, Madurai is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as I. D. 32/2007. Pursuant to notice under RPAD, both sides entered appearance through their advocates and filed Claim and Counter Statement as the case may be.

3. The averments in the Claim Statement briefly read as follows :

The petitioner employed as Clerk at Marambudi branch under the Respondent/Bank was on 24-05-1998 charged for (a) frequently availing leave without application, tampering of official recorders and (b) rewriting of Attendance Register (c) misuse of staff Consumer Loan Facility (d) theateing the Manager and (e) insubordination by refusal to reply to letter dated 17-03-1998. The employee by reply dated 11-06-1998 denied the charges. In the enquiry he was found guilty. He was punished as mentioned in the reference. Appeal was dismissed. Thereafter the reference is occasioned. Though no misconduct is constituted by the acts, he was attributed of gross misconduct under 17.5 of Clauses-(c)(d)(e) and (j) and minor misconduct under 17.7 of Clauses-(b)(c) & (d) of Bipartite Settlement. It is merely to implicate him. Under a perverse finding, the Enquiry Officer found him guilty on the basis of which Disciplinary Authority without considering the evidence imposed the punishment which is illegal. He was charged with an idea to prevent the promotion to him. He never absented without submitting leave. Charge No. 1 is not held proved. It is on presumption, the Charge No. 2 is held proved. He has not caused tampering to the Attendance Register by marking "S" above marking "A". His absence on 13-2-1998 and 14-2-1998 was not treated as absence. He was paid salary for the days. Charge No. 3 is not proved according to the Prosecuting Officer. The finding to the contra is perverse. The frustrated employee paying the loan amount closed the loan account. False case is foisted alleging him to have threatened the Branch Manager. Finding to that effect is without proof. His request for time for reply shows that there was no refusal to reply. He was charged for the alleged trivial incidents out of irritation at his complaining to Central Government regarding denial of Travelling Allowance, continuing his Hindi Examination, Training etc. The punishment of bringing down the Basic Pay is sought to be set aside.

4. In the Counter Statement, the contentions raised briefly read as follows :

The workman fully participated in the enquiry with the assistance of a defence Representative. The delay in the conclusion of the enquiry was due to the adjournments at the instance of the workman. The enquiry revealed that the workman committed overwriting in the Attendance Register apart from being admitted by him. The dispute is raised 6 years after the punishment and is bad on the ground of latches. Appeal was dismissed since the same was delayed being not filed with 45 days from the date of communication of the punishment. The charges against the petitioner fall within the purview of misconduct. The finding of Enquiry Officer is not perverse. TV dealer as DW1 stated that employee did not purchase TV but only encashed the amount, though later in an afterthought he modified the version that the employee bought TV from him. The employee mis-utilized the loan even if it is taken for granted that after purchase he sold the Colour TV. The factum of repayment of loan does not absolve him from misuse of the loan. His threatening the Branch Manager with saying not allowing to go outside the Bank if the Demand Promissory Note (DPN) is not given is not expected from him. In the absence of evidence of a request for extension of time for replying his conduct is considered as insubordination. The past record of the employee shows imposition of a warning for his availing 5 agricultural jewel loans in his wife's name without herself cultivating any land. The workman was given only a punishment of bring down his Basic Pay by two stages in his time-scale of pay. The claim may be dismissed.

5. Points for consideration are :

- (i) Whether the action of the Respondent/Bank in bringing down his Basic Pay to a lower Stage by two stages is legal and justified?
- (ii) To what relief the concerned workman is entitled?

6. On the side of the petitioner WW1 and WW2 were examined and Ex. W1 to Ex. W28 were marked. On the side of the Respondent MW1 was examined and Ex. M1 to Ex. M14 were marked.

Point No. 1

7. It is argued on behalf of the petitioner that the charges attributed against the petitioner do not amount to misconduct but he is deliberately implicated. The finding of the guilty is perverse. The Management is bent upon to take action against the petitioner on trivial grounds in victimization.

8. The argument of the learned counsel for the respondent is that the petitioner is proved to have been guilty of the charges. A perusal of the enquiry finding and the relevant documents lead me to conclude that as argued rightly by the learned counsel for the Respondent that the case on hand is not one of no evidence at all in support of the charges. Here the punishment impugned is one of bringing down to lower scale in the scale of pay by two

stages. Only in a case of punishment of discharge or dismissal power under Section-11A of the I.D. Act extends to the Tribunal to re-appreciate the evidence to come to a different conclusion. In a domestic enquiry, the Enquiry Officer is the sole judge to decide the fact. Unless it is a case of no evidence at all warranting punishment, there is no scope for interference with the punishment. Discernibly it is of some evidence and not in the absence of any evidence that the finding has been reached by the Enquiry Officer. It is not the look out of this Tribunal to go into the adequacy of such evidence which led to the said finding. As already mentioned, this Tribunal has no power to re-appreciate the evidence since the punishment is not one of discharge, removal or dismissal from service as under Section-11A of the I.D. Act. Therefore, the finding that he is guilty and the punishment imposed are only to be upheld since even if the delinquency is of a trivial nature the delinquent should not go unpunished so as to keep him within the disciplined and desired limits though I am also of the considered view that the imposed punishment could have been a bit lesser to serve the avowed object of punishment, but which I must leave intact for reason already elucidated in the discussion supra. The petitioner is not entitled to any relief.

Point No. 2

9. In view of the above finding, the petitioner is not entitled to any relief. No order as to costs.

10. The reference is answered accordingly.

(Dictated to the P. A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 13th October, 2009)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined :—

For the I Party/Petitioner	: WW1, Sri Sivanthi K. Selvarasan WW2, Sri K. M. Ravichandran
For the II Party/Management	: MW1, Sri Vincent Jebasingh Billings Santhosaraj

Documents Marked :—

From the petitioner's side

Ex. No.	Date	Description
Ex.W1	16-11-1992	Letter from K. M. Ravichandran to Central Government
Ex.W2	25-01-1993	Letter from Central Government to K. M. Ravichandran
Ex.W3	22-09-1995	Proforma Invoice by Swathi Associates
Ex.W4	07-11-1995	Receipt by Swathi Associates
Ex.W5	01-08-1995	Certificate of Marks
Ex.W6	03-04-1996	Certificate of Praveen

Ex. No.	Date	Description	Ex. No.	Date	Description
Ex.W7	13-08-1996	Letter from 2nd Party expressing inability to include K. M. Ravichandran's name	Ex.M5	23-08-1999	Charge Sheet issued to K. M. Ravichandran
Ex.W8	30-08-1996	Letter by K. M. Ravichandran to Central Government	Ex.M6	04-10-1999	Amendment to Charge Sheet dated 23-08-1999 issued to K. M. Ravichandran
Ex.W9	04-08-1997	Appreciation Letter from 2nd Party	Ex.M7	27-11-2000	Original order in respect of Charge Sheet dated 23-08-1999 issued to K. M. Ravichandran
Ex.W10	1997	Leave availed by K. M. Ravichandran	Ex.M8	—	Enquiry proceedings in respect of workman K. M. Ravichandran
Ex.W11	11-08-1997	Certificate of Marks	Ex.M9	07-09-1998	Internal correspondence of Respondent
Ex.W12	17-09-1997	Merit Certificate	Ex.M10	15-10-1998	K. M. Ravichandran letter to Respondent
Ex.W13	17-03-1998	Letter from 2nd Party	Ex.M11	15-10-1998	Internal correspondence of Respondent
Ex.W14	27-03-1998	Letter requesting time	Ex.M12	31-10-1998	Internal correspondence of Respondent
Ex.W15	30-03-1998	Letter from 2nd Party	Ex.M13	18-11-1985	Respondent letter to K. M. Ravichandran
Ex.W16	15-04-1998	Letter requesting time to reply	Ex.M14	24-11-1999	Internal correspondence of Respondent
Ex.W17	25-04-1998	Charge Sheet			
Ex.W18	30-04-1998	Letter requesting time to reply			
Ex.W19	17-12-1998	Appreciation Letter from 2nd Party			
Ex.W20	04-02-1999	Appreciation Letter from 2nd Party			
Ex.W21	20-05-1999	Appreciation Letter from 2nd Party			
Ex.W22	22-06-2000	Findings of Enquiry Officer			
Ex.W23	05-07-2000	Letter from 2nd Party (Show Cause Notice)			
Ex.W24	04-08-2000	Reply to Show Cause Notice			
Ex.W25	11-08-2000	Order awarding punishment			
Ex.W26	28-12-2005	Appeal by K. M. Ravichandran			
Ex.W27	24-01-2006	Rejection of Appeal			
Ex.W28		Bipartite Settlement relating to disciplinary proceedings			

नई दिल्ली, 26 अक्टूबर, 2009

का. आ. 3166.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 178 ऑफ 98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-10-09 को प्राप्त हुआ था।

[सं. एल-12012/367/97-आई आर(बी-11)]

राजेन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 26th October, 2009

S. O. 3166.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 178 of 98) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 23-10-09.

[No. L-12012/367/97-IR (B-II)]

RAJINDER KUMAR, Desk Officer

From the Management side:—

Ex. No.	Date	Description
Ex.M1	13-02-1996	Copy of Attendance Register
Ex.M2	06-03-1998	Dindigal Main Branch Manager letter to Senior Regional Manager, Regional Officer, Madurai
Ex.M3	18-03-2000	Presenting Officer report
Ex.M4	11-06-1998	K. M. Ravichandran letter to the Respondent

ANNEXURE

**BEFORE SRI RAMPARKASH, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SHRAM
BHAWAN, ATI CAMPUS, UDYOG NAGAR,
KANPUR**

Industrial Dispute No. 178 of 98

BETWEEN

Union Bank Staff Association,
The State Vice President,
Union Bank Staff Association,
3/192 Viram Khand,
Gomti Nagar,
Lucknow,

AND

The General Manager,
Union Bank of India,
Zonal Office, Sharda Tower,
IInd Floor, Kapoorthala Complex,
Aliganj, Lucknow, 226 020

AWARD

1. Central Government MOL & Employment, New Delhi, vide its notification No. L. 12012/367/97-IR(B-II) dated 20-10-98, has referred the following dispute for adjudication to this tribunal-

Whether the action of the management of Union Bank of India in not paying full salary and other allowances to Sh. J.S. Giri for the period 12-12-78 to 15-10-81 is legal and justified? If not, to what relief the said workman is entitled?

2. It is common ground that the workman Sri. J.S. Giri was appointed by the opposite party Union Bank of India on 15-07-74 a Peon-cum-Waterman and later on he was promoted at the post of Cash Peon in December, 1978, Subsequently he was further promoted at the post of Daftari in April, 1982, where after he was further granted the promotion at the post of Clerk/Cashier in September, 1984, and finally promoted at the post of Head Cashier Category "C". There is also no dispute about the fact that the workman was placed under suspension by the opposite party vide letter dated 21-12-78, on the ground that it has been reported that the police of Mau Nath Bhanjan is making investigations for some acts of Sri J.S. Giri which are of grave nature. Under the circumstances, the management has decided to suspend Sri. J. S. Giri from banks service with immediate effect and accordingly he is suspended with immediate effect till further instructions. It is further the case that at banks Mau Nath Bhanjan Branch theft of Rs. 3, 44, 426.02 was detected in the morning of 18-12-78, at the time of taking out the cash from the Strong Room. In connection with the theft FIR was lodged by the bank with the police. In this FIR the names of suspects were not given. Subsequent to this incident of the theft the workman was placed under suspension and the case of the

theft was handed over to CID, who filed charge sheet against the Manager Sri Somendra Shanker Sanyal and Sri Kanhaiya Lal Rupani. The workman was named as witness whereas no case was instituted against the workman.

3. It is the further case that the suspension of the workman was revoked by the Central Office of the opposite party At Bombay vide letter No. DB/IR/10697/81 dated 24-09-81, stipulating condition therein to the effect that the question of giving any benefits other than the subsistence allowance during the period of suspension will be considered only after the criminal case in the matter is over or disciplinary action if initiated against him is over, whichever is earlier and the suspension shall stand vacated from the date the workman reports to the Regional Manager. The workman reported for duty on 16-10-81 and in view of it the workman remained under suspension during the period 21-12-78 to 15-10-81.

4. The workman has alleged that no criminal case was instituted against him. The workman made several representations to the bank to pay full salary to him but in vain. It has been pleaded by the workman that under the circumstances, the workman is entitled for his full salary for the period of suspension i.e. from 21-12-78 to 15-10-81, inter-alia, on the grounds that the order of suspension is illegal and unjustified having not been passed by the disciplinary authority or any other authority so empowered. Therefore, the suspension of the workman was illegal and unjustified; that no case has so far been initiated against the workman in any court of law though more than 21 years have elapsed; that no disciplinary action has been initiated against the workman by the bank although a period of more than 18 years has elapsed from the date of revocation of suspension and lastly that as the bank granted a few promotions to the workman after revocation of the suspension of the workman, therefore, it will have to be assumed that the misconduct if any for which the bank intended to proceed against the workman stands condoned.

5. On the basis of above pleadings, it has been prayed by the Union that the workman is entitled for his full pay and allowances for the period during which he remained under suspension which may be allowed to him with interest 18% interest.

6. On the contrary the claim of the union raised on behalf of the union has been contested by the opposite on a variety of grounds, that the reference made by Central Government is bad in law as it had not applied its mind to the matter in dispute and the same deserves to be rejected at its threshold; that there is no cause of action to the claimant on facts and law applicable and hence the reference is non existing; there is no valid spousal of the alleged cause of the workman nor is the majority of the workman of the organization interested in the said alleged cause; that the present matter is not a matter of industrial Dispute; that the matter for the period 1978 to 1981 being

a stale one, the reference concerning the same in the year 1998 nearly after 16 years needs no consideration even under any circumstances. It is admitted by the bank that there took a theft of Rs. 344,426.02 paise at bank's Mau Nath Bhanjan Branch. It is also pleaded by the opposite party that FIR was lodged with the police station Mau Nath Bhanjan regarding the incident. The workman who was working as cash peon at the branch was placed under suspension along with other three staff members for certain acts wherein police was making investigation. Consequently criminal case was filed by the police against the Branch Manager and Head Cashier and the matter is still sub-judice. It is further alleged that the misconduct of Sri Giri remained unaffected in the police case wherein he had been cited to be a witness and the criminal proceedings would not absolve the workman. The order of revocation of suspension of the workman was done under the circumstances as prevailed then and he was specifically informed that the question of giving any benefit to other than subsistence allowance during the period of suspension could be considered only after the criminal case in the matter is over or disciplinary action initiated against him in future is whenever over. Since the proposed disciplinary proceedings for the act of misconduct committed by the workman has not been dropped, therefore, the workman cannot be held to be entitled for the wages for the period he remained under suspension and also that the criminal proceedings against the workman is still pending he cannot be held to be entitled for the benefits claimed by the union on his behalf in the instant case. On these allegations it has been prayed that the claim of the union on behalf of the workman is devoid of merit and deserves to be rejected at the hands of this Hon'ble Tribunal.

7. The workman has filed rejoinder but nothing new has been pleaded there in except reiterating the facts already pleaded by him in the claim statement.

8. After exchange of pleadings between the parties whereas the workman vide list of documents date 25-03-2004, has filed bank's letter dated 21-12-78 in original whereby he was placed under suspension, letter 24-09-81 in original whereby the workman's suspension was revoked, letter dated 21-08-89 in original addressed to the workman informing him that he cannot be paid arrears of wages for his suspension period in 1981, as the matter is sub-judice, photocopy of letter dated 04-07-95 of the Union addressed to the Assistant General Manager IR Department, Union Bank of India. These documents are marked as paper no. 21/1-21/7. Apart from above, the workman has further filed two documents vide list of document dated 22-09-09, viz. (1) Certified true copy of the order dated 04-09-09, passed by Judicial Magistrate, Azamgarh and (2) Certified copy of the order dated 06-11-2000 of the Hon'ble High Court.

9. It may be pointed out that the opposite party bank has not filed any document in support of their claim.

10. Whereas workman has appeared in the witness box before the tribunal and has examined himself as WW.I, the opposite party examined its witness M.W.I, viz. Sri S.N. Mehra an officer of the opposite party bank.

11. The tribunal has heard the arguments of both the parties at length and perused the records thoroughly.

12. It has been claimed by the workman in his claim petition that the order of suspension was illegal and unjustified; that no criminal case was initiated against the workman; that no disciplinary action has been initiated against him by the bank though a period of more than 18 years has elapsed from the date of revocation of suspension and that the opposite party bank also granted few promotions to the workman after the revocation of the suspension order of the workman.

13. Therefore, it is contended that if there was no misconduct it would amount to condonation of misconduct.

14. It is contended by the management that the matter is sub-judice and criminal case is still pending and the workman is not entitled for any relief till criminal case is over.

15. I have given thoughts and whether in the given circumstances it will not amount to pendency of any criminal case against the workman. It is admitted by the bank in its written statement that the workman was not named in the FIR, that he was not charge sheeted by the police in the criminal case. Moreover, he was produced as a prosecution witness by the prosecution side before the criminal court. These facts are admitted.

16. Now what happens after the result of the criminal case against two officials of the bank who were found guilty and sentenced accordingly for the proved charges by criminal court. They went in appeal and by sessions court there was some observation, on which the Magistrate summoned to Sri J.S. Giri. Thereafter he Sri J.S. Giri went before the Hon'ble High Court and the Hon'ble High Court vide order dated 06-11-2000, stayed the impugned order of summoning the workman as an accused.

17. Therefore, it is clear that the workman was never summoned by trial court under section 319 of Cr. P.C. What were the observations of the Hon'ble Sessions Court is not clear as the copy of the judgment has not been filed by the opposite party bank.

18. It is set principle of law that when charge has been framed by the trial court against the accused then the criminal proceedings are said to be in motion. Here the workman has never been named as an accused in the FIR nor in the charge sheet nor summoned under section 319 of Cr. P.C. Therefore in such circumstances it cannot be presumed that in reference of the suspension order, any criminal proceedings can be said to be pending against the workman at that stage.

19. Suspension order is reproduced as below:—

“That the police of Mau Nath Bhanjan is investigating some acts of Sri J.S. Giri which are of grave nature, udders the circumstances the management has decided to suspend Sri J.S. Giri from banks service with immediate effect and accordingly I suspend Sri J.S. Giri with immediate effect till further instructions.”

20. As per suspension order the management has not been able to show what where were the cases of Sri J.S. Giri which were being investigated by the police for which suspension was made.

21. It has also been admitted by both the parties that suspension order was revoked and the workman has been given further promotions also. In my view these facts cannot ignored.

22. While revoking the suspension order the management passed the order in the following term—

“The question of pending benefits other than subsistence allowance during the period of suspension will be considered only after the criminal case in the matter is over or disciplinary action if initiated against the matter is over, which ever is earlier”

23. This order is dated 24-09-81. It is also clear that when the suspension order was passed there was no criminal case pending against the workman. It is also clear that when the order of revocation of suspension was passed there was no disciplinary proceeding pending against the workman. It is contended that since 1981 no disciplinary have been initiated by the bank against the workman. Therefore in my view, in the given circumstances, it cannot be termed that the criminal proceedings are pending against the workman. I also find that there was no justified relation in passing the order against the workman withholding benefits other than subsistence when the suspension order was revoked and keeping it pending even after a lapse of period of 28 years, whereas few promotions have also been granted to the workman.

24. For the reasons discussed above it is held that the action of the management of Union Bank of India in not paying full salary and other allowances to Sri J.S. Giri for the period 12-12-78 to 15-10-81 is neither legal nor justified. Accordingly the workman is held entitled for the difference of wages between paid & payable to him.

25. Reference is therefore, answered in affirmative in favour of the Union and against the opposite party bank.
9-10-09

RAM PARKASH, Presiding Officer

नई दिल्ली, 28 अक्टूबर, 2009

का. आ. 3167.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. I, नई दिल्ली के पंचाट (संदर्भ संख्या 89/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-10-2009 को प्राप्त हुआ था।

[सं. एल-42012/27/2006-आई आर.(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 28th October, 2009

S. O. 3167.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 89/2006) of the Central Government Industrial Tribunal-cum-Labour Court No. I, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workman, which was received by the Central Government on 28-10-2009.

[No. L-42012/27/2006-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. I, NEW
DELHI, KARKARDOOMA COURT COMPLEX, DELHI
I.D. No. 89/2006**

Hoti Lal & 2 others,
Represented by All India CPWD
(MRM) Karamchari Sangathan,
House No. 4823, Gali No. 13,
Balbir Nagar Extension,
Shahdara,
New Delhi—110032

Workmen

Versus

The Superintending Engineer,
Coord. Circle (Elec.),
CPWD, East Block,
R.K. Puram,
New Delhi.

2. The Executive Engineer,
A Division, CPWD,
I.P. Bhawan,
New Delhi.

Management

ORDER

Issues of regularization of services of Hoti Lal, Shanti Devi and Sajno Devi from the date of their initial employment as muster roll employee was raised by their union before CPWD authorities. Their contentions could not find favour with their officers. Consequently a dispute was raised by the union before the Conciliation Officer. Since conciliation proceedings failed, appropriate Government referred the dispute to this Tribunal vide order No.L-42012/27/2006-IR(DU) dated 21-11-2006, with the following terms:

"Whether the demand of All India CPWD (MRM) Karamchari Sangathan for regularization of service of Shri Hoti Lal, Smt. Shanti Devi and Smt. Sajno from the date of their initial employment on muster roll is legal justified? If yes, to what relief the workman concerned are entitled to?"

2. Claim statement was filed pleading therein that Smt. Sajno Devi joined services with the CPWD as muster roll sweeper on 1-1-80, Smt. Shanti Devi joined as sweeper on muster roll on 15-6-81 while Shri Hoti Lal joined services as seweraman on muster roll w.e.f. 11-11-81. They rendered continuous service of 240 days in 1980, 1981 and 1982 respectively and in subsequent years also. Their services were regularized w.e.f. 13-10-86, 5-12-86, and 17-10-87 respectively. It was pleaded that there are three wings in CPWD viz., Civil Electrical and Horticulture. Several daily rated workmen are employed by the management in those three wings. In *Surender Singh and others Vs. CPWD* the Apex Court commanded the management to regularize the services of its daily rated employees from the date of their initial employment, who have put in six months continuous service. In compliance of the said order Horticulture wing of the management regularized several daily rated workman by 7-12-88, whereas Electrical and Civil wings did not take any action in that behalf and continued to keep the workman on muster roll for years together. Ram Khilari, a similarly situated daily rated workman, filed a claim before Industrial Tribunal Government of NCT, Delhi and an award for regularization of his services was passed from the date of his initial employment. Workmen are similarly situated and seek regularization of their services from the date of their initial appointment. They claim regularization of the services of Hoti Lal as seweraman w.e.f. 11-11-81 in the pay scale of Rs. 260-400, while regularization of services of Smt. Shanti Devi from 15-6-81 and that of Sajno Devi from 1-1-80 as sweeper.

3. Contest was given to the claim by the management pleading that services of the workman were regularized as per terms and conditions laid down in rules. In *Surender Singh's case* the Apex Court never directed the management to regularize services of daily rated muster roll workmen from the date of their initial appointments. However, in implementation of the said order, 8983 posts were created by September 1997 for regularization of eligible workers who were engaged prior to 1941-85, the date of

imposition of ban on employment of Group 'D' employees. Since posts were created in September, 82 all workers were regularized from prospective dates and not from date of their initial engagement. The Apex Court in *Laxmoji Rao* (2004 SC W AIR 565) had held that it cannot be laid down as a proposition of service law that the employees selected on daily wages basis, after selection automatically become regular from the date of appointment, if they perform duties similar to regular employees. It has been projected that an employee is regularized when a vacancy is available for him. He does not have a claim to be regularized in service from the date of his initial employment.

4. Shri Satish Kumar Sharma A/R for the workman projected that facts pleaded by the parties may be taken as gospel truth for adjudication of the reference. Shri Santosh Kumar Mishra A/R as well as Charan Babu, Executive Engineer, A Division, CPWD, also conceded to the proposition advanced by Shri Sharma A/R of the workman. Therefore, parties opted not to adduce any evidence over the matter.

5. Arguments were heard at the bar. Shri S.K. Sharma advanced arguments on behalf of the workman. Shri Santosh Kumar Mishra assisted by Shri Charan Babu, Executive Engineer, A Division, CPWD, raised submissions on behalf of the management. I have given my careful consideration to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows:

6. Shri Sharma argued that the workmen are entitled for regularization in the jobs as sweeper as well as seweraman respectively from the date of their initial appointment in service. According to him Apex Court commanded CPWD to regularize services of muster roll employees who had put in six months continuous service from the date of their initial engagement. Facts projected by Shri Sharma are controverted by Shri Mishra. Proposition advanced by the parties is well answered by the Apex Court in *Surender Singh's case* [1986 (1) S.C.C. 659]. The Apex Court ruled as follows:

"We therefore allow the writ petitions and make the rule absolute and direct the Central Government to accord to those persons who are employed by the Nehru Yuva Kendras and who are concededly performing the same duties as Class IV employees, the same salary and conditions of service as are being received by Class IV employees, except regularization which cannot be done since there are no sanctioned posts. But we hope and trust that posts will be sanctioned by the Central Government in the different Nehru Yuva Kendras, so that these persons can be regularized. It is not at all desirable that any management and particularly the Central Government should continue to employ persons on casual basis in organizations which have been in existence for over 12 years. The salary and allowances of Class IV employees

shall be given to these persons employed in Nehru Yuva Kendras with effect from the date when they were respectively employed."

7. In view of the law laid by the Apex Court it is apparent that the court expressed hope in preparing modalities for regularization of the services of all muster roll employees, who had put in six months continuous service. No command was given to the management to regularize services of all muster roll employees from the date of their initial appointment. In pursuance of decision given by the Apex Court, 8982 posts were created by the management for regularization of the service of muster roll employees. Employees of CPWD were regularized from prospective dates. Therefore, it is evident that claim put forward by the workman that management is under an obligation to regularize their service from the date of their initial engagement is not well founded.

8. Services of an employee is to be regularized in accordance with continuity of his service, seniority, subject to availability of a vacant post and on fulfilment of requirement prescribed under the recruitment rules. Therefore, to seek regularization of one's service from the date of his engagement it is incumbent upon the workmen to show that they were senior enough to be regularized, there were vacancies available and they fulfil conditions laid down in requirement rules. Except the fact that the workmen rendered continuous service for 240 days in 1980, 1982 and 1983, no other evidence was brought over the record to the effect that there were posts lying vacant, they fulfill requirement as contained in recruitment rules and were at top of the seniority list for regularization as sweeper and seweraman respectively. For desideratum of evidence on above propositions, claim put forward by the workman for regularization in the service from the date of their initial engagement, does not gain roots.

9. In the claim petition workman project that services of Ram Khilari, who was similarly placed, have been regularized by the management in compliance of an award passed by Industrial Tribunal, Government of NCT, Delhi. The workmen failed to place that award before this Tribunal. It was not brought over the record that Ram Khilari rendered services as muster roll employee for 240 days, he was not senior enough to be regularized and no vacancy was there to regularize his services. It is evident that the workmen failed to show that Ram Khilari was similarly situated, as they are placed in the case. Consequently the workmen failed to establish parity with the case of Ram Khilari. In the absence of facts relating to the case of Ram Khilari, this Tribunal cannot find facts in favour of the workman, on the ground of parity. Workmen have completely failed to establish their case at par with that of Ram Khilari.

10. Admittedly, workmen were employed as casual employees on muster roll. Question for consideration comes

as to whether a casual employee has a claim for regularization of his service. For an answer one has to consider the difference between a temporary nature of job and work of permanent nature. A 'seasonal workman' is engaged in a job which lasts during a particular season only, while a temporary workman may be engaged either for a work of temporary or casual nature or temporarily for work of a permanent nature, but a permanent workman is one who is engaged in a work of permanent nature only. The distinction between permanent workman engaged on a work of permanent nature and a temporary workman engaged on a work of permanent nature is, in fact, that a temporary workman is engaged to fill in a temporary need of extra hands of permanent jobs. Thus when a workman is engaged on a work of permanent nature which lasts throughout the year, it is expected that he would continue there permanently unless he is engaged to fill in a temporary need. In other words a workman is entitled to expect permanency of his service. Law to this effect was laid by the the Apex Court in *Jaswant Sugar Mills [1961 (1) LLJ 649]*. A temporary workman would not acquire permanency of tenure merely because he is employee in a permanent department or given some benefit ordinarily enjoyed by the permanent workman. Such proposition was laid in *Rohtas Industries Limited Vs. Brijnandan Pandey [1956 (2) LLJ 444]*.

11. Some casual workman employed in a canteen, raised demand of permanency in service. The Tribunal directed that from particular date they should be treated as probationer and appointed in permanent vacancy without going into the question as to whether more than permanent workmen were necessary to be appointed in the canteen, over and above the existing permanent strength to justify the making of the casual workman as permanent, where they were working. Neither there was any permanent vacancy in existence nor the Tribunal directed for creation of new posts. When the matter reached the Apex Court, it was announced that the Tribunal was not justified in making these directions. The workman may be made permanent only against permanent vacancies and not otherwise, announced the Apex Court in *Hindustan Aeronautics Limited Vs. their workmen [1975 (1) LLJ 336]*.

12. In *Uma Devi [2006 (4) SCO]* the Apex Court considered the proposition as to whether the persons who got employment, without following of regular procedure or even from the back door on daily wages, can be entitled to made permanent in their posts, to prevent regular recruitment to the posts concerned. Extensive decisions over the subject was considered and the court declined the submissions of the workmen to make permanent on the post which was held by them in temporary or *ad hoc* capacity for a fairly long spell. The Court ruled thus:

"With respect, why should the State be allowed to depart from the normal rule and indulge in temporary employment in permanent posts? This Court, in our

view, is bound to insist on the State making regular and proper recruitments, and is bound not to encourage or shut its eyes to the persistent transgression of the rules of regular recruitment. The direction to make permanent—the distinction between regularization and making permanent, was not emphasized here—can only encourage the State, the model employer, to flout its own rules and would confer undue benefits on a few at the cost of many waiting to compete. With respect the directions made in *Piara Singh* [1992(4)SCC 118] is to some extent inconsistent with the conclusion in para 45 of the said judgement therein. With great respect, it appears to us that the last of the directions clearly runs counter to the constitutional scheme of employment recognized in the earlier part of the decision. Really, it cannot be said that this decision has laid down the law that all ad-hoc, temporary or casual employees engaged without following a regular recruitment procedure should be made permanent.”

13. Taking note of some of recent decisions, the Apex Court held that the State does not enjoy a power to make appointments in terms of article 162 of the Constitution. The Court quoted its decision in *Girish Jyanti Lal Vaghela* [2006(2) SCC 482] with approval wherein it was ruled thus.

“The appointment to any post under the State can only be made after a proper advertisement has been made inviting applications from eligible candidates and holding of a selection by a body of experts or a specially constituted committee whose members are fair and impartial through a written examination or interview or some other rational criteria for judging the inter se merit of candidates who have applied in response to the advertisement made. A regular appointment to the post under the State or Union cannot be made without issuing advertisement in the prescribed manner which may in some cases include inviting applications from the employment exchange, where eligible candidate get their names registered. Any regular appointment made on a post under the State or Union without issuing advertisement inviting applications from eligible candidates and without holding a proper selection where all eligible candidates get a fair chance to compete would violate the guarantee enshrined under article 16 of the Constitution.

14. In *P. Chandra Shekhara Rao and Others* (2006 7 SCC 488) the Apex Court referred *Uma Devi's Case* (Supra) with approval. It also relied the decision in *Uma Rani* (2004 7 SCC 112) and ruled that no regularization is permissible in exercise of statutory powers conferred in Article 162 of the Constitution, if the appointments have been made in contravention of the statutory rules. In *Somveer Singh* (2006 5 SCC 493) the Apex Court ruled that appointment made without following due procedure cannot be regularized. In view of law laid above, it is evident that the workman can not claim regularization of their services from the date of their initial employment.

15. Though the demand of the All India CPWD (MRM) Karamchari Sangathan for regularization of services of the workmen from the date of their initial employment was found not to be justified, yet the management could not dispute circular No. 19/77/2000-EC-X, New Delhi dated 26-6-2006. On the strength of the said circular a muster roll employee is eligible to get his service counted, for the purpose of calculation of his gratuity under the provisions of Payment of Gratuity Act, 1972. Therefore management is under an obligation to verify service rendered by the workman as muster roll employee and to record it in their service book so that their emoluments for the purpose of gratuity under the Payment of Gratuity Act, 72 may be calculated at the time of their retirement or death, if it occurs prior to their superannuation. Management is commanded to verify their service as muster roll employees and enter the same in their service books respectively for the purpose of calculation of their services for eligibility of gratuity, as detailed above. Award is accordingly passed

Date : 25-9-2009 Dr. R.K. YADAV, Presiding Officer

नई दिल्ली, 28 अक्टूबर, 2009

का. आ. 3168.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू. डी. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 23/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-10-2009 को प्राप्त हुआ था।

[सं. एल-42012/60/2006-आई आर.(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 28th October, 2009

S. O. 3168.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.23/2007) of the Central Government Industrial Tribunal cum Labour Court No. 1, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workman, which was received by the Central Government on 28-10-2009.

[No. L-42012/60/2006-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE DR. R. K. YADAV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT NO.1 NEW DELHI
KARKARDOOMA COURT COMPLEX DELHI

I. D. No. 23/2007

Shri Rajender Singh through
C/o All India CPWD (MRM) Karamchari Sangathan,
House No. 4823, Gali No. 13,
Balbir Nagar Extension,
Shahdara, New Delhi - 110032.

Workman

Versus

The Executive Engineer,
J Division, C.P.W.D.
East Block, R.K. Puram,
New Delhi

Management

AWARD

Rajender Singh joined services with CPWD as daily rated workman w.e.f. 9-3-1979. He rendered continuous service of 240 days and his services were regularized in the post of daily rated workman w.e.f. 16-1-1986. He claimed regularization of his services from the date of his initial employment. When his demand was not accepted by the management, he raised an industrial dispute before the Conciliation Officer. Since conciliation proceedings came to an end, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L 42012/60/2006-IR (DU) New Delhi, dated 1-3-2007, with following terms:

“ Whether the demand of all India CPWD (M.R.M.) Karamchari Sangathan for regularization of services of Shri Rajender Singh w.e.f. 9-3-79 is legal and justified ? If yes, to what relief the workman is entitled to ? ”

2. Claim statement was filed on his behalf pleading therein that he was employed as daily rated workman w.e.f. 9-3-79. It was projected that Rajender Singh joined on 9-3-79 and his services were regularized w.e.f. 16-1-86. He rendered 240 days continuous service with the management from the date of his employment till the date of his regularization. There are three wings under CPWD viz. Electrical, Civil and Horticulture, where several daily rated workmen are employed by the management. The Apex Court in Surinder Singh's case [1986 (1) SCC 639] gave a command to the management to regularize services of its daily rated workmen, from the date of their initial employment, who have put in six months of continuous service. Accordingly Director General (Works) CPWD issued order dated 25-8-88 for regularization of muster roll employees. Horticulture Wing of the management regularized service of its daily rated workmen by 7-12-88, while electrical and civil wing did not take any action in this behalf. The workman is covered under the provisions of the Payment of Gratuity Act, 1972 (in short the Act) and orders were issued in that regard by the management on 26-6-2006. Ram Khilari, a similarly situated workman raised an industrial dispute and Industrial Tribunal Government of NCT, Delhi gave an award for regularization of his services from the date of his initial employment. Workman

is eligible for regularization of services from the date of his initial employment. It has been claimed that the management may be commanded to regularize his services from the date of his initial employment.

3. Contest was given to the claim statement pleading therein that the workman was working on muster roll with the management and his services were regularized from the date mentioned by him in the claim statement. His contention that he is eligible for regularization of his services from the date of his initial engagement, is false. The Apex Court in Surinder Singh's case (supra) never directed the management to regularize services of muster roll employees from the date of his initial employment. In compliance of the order of the Apex Court 8982 posts were created in September, 92 and thereafter all workers were regularized in services from prospective dates and not from the date of their initial engagement in various precedents Apex Court ruled that employees selected on daily wages nowhere automatically become regular from the date of their initial employment, even if they perform duties similar to the regular employees. The workman cannot claim regularization from the back date. When vacancies were available for them their services were regularized. It has been projected that his claim for regularization from the date of his initial employment is false.

4. During the course of adjudication, Shri Satish Kumar Sharma, General Secretary, All India CPWD (M.R.M.) Karamchari Sangathan, who was authorized representative of the workman, made a statement on his behalf that the workman does not press his claim for regularization in the services from the date of his initial employment. Consequently, it is evidence that the workman gave up the contest of his demands for regularization of his services from the date of his initial employment.

5. Circular No. 29/77/2000-EC-X New Delhi dated 26-6-2006 was issued by the Director General (Works) CPWD in respect of payment of gratuity to its casual, hand receipt and muster roll workers under the Act. The said circular makes it clear that the matter was examined in consultation with the Ministry of Urban Development and Ministry of Labour and it was clarified that the Act is applicable to casual, muster roll, hand receipt and daily rated workers of the CPWD. Consequently all ADVs. CS, SCS, S.C. Coordination, Executive Engineer, Directorate of Horticulture, Additional Directorate of Horticulture, Deputy Director of Horticulture, All Deputy Welfare Labour Commissioners and Assistant Labour Welfare Commissioners were requested to make payment of gratuity to casual muster roll, hand receipt and daily rated workers of CPWD as admissible under the Act. It was further mentioned therein that the current/Pending court cases on the similar issue may be defended or got settled accordingly. Therefore, it is evident that the management admits the claim of all casual muster roll, hand receipt or daily rated workers of the CPWD for payment of gratuity under the Act.

6. In view of the fact that contest was given up by the workman for regularisation of his services from the date of initial employment and management assures compliance of the aforesaid circular, it is expedient to command the management to record services rendered by Rajender Singh as daily rated workman in his service book, which services would be taken into account for payment of gratuity under the Act, at the time of his superannuation or death, as the contingency arise, An award is accordingly passed. It may be sent to the appropriate Government for publication.

Dated: 22-10-2009 Dr. R.K. YADAV, Presiding Officer

नई दिल्ली, 28 अक्टूबर, 2009

का. आ. 3169.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. I, नई दिल्ली के पंचाट (संदर्भ संख्या 20/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-10-09 को प्राप्त हुआ था।

[सं. एल-42011/77/2006-आई आर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 28th October, 2009

S.O. 3169.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20/2007) of the Central Government Industrial Tribunal-cum-Labour Court No. I, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workman, which was received by the Central Government on 28-10-09.

[No. L-42011/77/2006-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT NO. I, NEW
DELHI KARKARDOOMA COURT COMPLEX, DELHI
I.D. No. 20/2007**

Shri Arasan through
C/o All India CPWD
(MRM) Karamchari Sangathan,
House No. 4823, Gali No. 13,
Balbir Nagar Extension,
Shahdara, New Delhi—110032

.... Workman

Versus

1. The Superintending Engineer,
Coord. Circle (Elec.),
CPWD, East Block,
R.K. Puram, New Delhi

2. The Executive Engineer,
Electrical Division, XI, CPWD.
IARI Pusa, New Delhi-110012

....Management

AWARD

Arasan joined services with CPWD as Beldar w.e.f. 27-6-1981. He rendered continuous service of 240 days and his services were regularized in the post of Beldar w.e.f. 19-4-1991. He claimed regularization of his services from the date of his initial employment. When his demand was not accepted by the management, he raised an industrial dispute before the Conciliation Officer. Since conciliation proceedings came to an end, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-42011/77/2006-IR (DU) New Delhi, dated 6-3-2007, with following terms:

“Whether the demand of all India CPWD (M.R.M.) Karamchari Sangathan for regularization of services of Shri Arasan from the date of his initial employment on muster roll is legal and justified? If yes, to what relief the workman is entitled to?”

2. Claim statement was filed on his behalf pleading therein that he was employed as Beldar w.e.f. 27-6-81. It was projected that Arasan joined on 27-6-81 and his services were regularized w.e.f. 19-4-91. He rendered 240 days continuous service with the management from the date of his employment till the date of his regularization. There are three wings under CPWD viz. Electrical, Civil and Horticulture, where several daily rated workmen are employed by the management. The Apex Court in Surinder Singh's case [1986 (1) SCC 639] gave a command to the management to regularize services of its daily rated workmen, from the date of their initial employment, who have put in six months of continuous service. Accordingly Director General (Works) CPWD issued order dated 25-8-88 for regularization of muster roll employees. Horticulture Wing of the management regularized service of its daily rated workmen by 7-12-88, while electrical and civil wing did not take any action in this behalf. The workman is covered under the provisions of the Payment of Gratuity Act, 1972 (in short the Act) and orders were issued in that regard by the management on 26-6-2006. Ram Kishori, a similarly situated workman raised an industrial dispute and Industrial Tribunal Government of NCT, Delhi gave an award for regularization of his services from the date of his initial employment. Workman is eligible for regularization of services from the date of his initial employment. It has been claimed that the management may be commanded to regularize his services from the date of his initial employment.

3. Contest was given to the claim statement pleading therein that the workman was working on muster roll with the management and his services were regularized from the date mentioned by him in the claim statement. His contention that he is eligible for regularization of his services from the date of his initial engagement, is false. The Apex Court in Surinder Singh's case (supra) never directed the management to regularize services of muster roll employees from the date of his initial employment. In compliance of the order of the Apex Court 8982 posts were created in September, 92 and thereafter all workers were regularized in services from prospective dates and not from the date of their initial engagement in various precedents Apex Court ruled that employees selected on daily wages nowhere automatically become regular from the date of their initial employment, even if they perform duties similar to the regular employees. The workman cannot claim regularization from the back date. When vacancies were available for them their services were regularized. It has been projected that his claim for regularization from the date of his initial employment is false.

4. During the course of adjudication, Shri Satish Kumar Sharma, General Secretary, All India CPWD (M.R.M.) Karamchari Sangathan, who was authorized representative of the workman, made a statement on his behalf that the workman does not press his claim for regularization in the services from the date of his initial employment. Consequently, it is evidence that the workman gave up the contest of his demands for regularization of his services from the date of his initial employment.

5. Circular No. 29/77/2000-EC-X New Delhi dated 26-6-2006 was issued by the Director General (Works) CPWD in respect of payment of gratuity to its casual, hand receipt and muster roll workers under the Act. The said circular makes it clear that the matter was examined in consultation with the Ministry of Urban Development and Ministry of Labour and it was clarified that the Act is applicable to casual, muster roll, hand receipt and daily rated workers of the CPWD. Consequently all ADVs, CS, SGS, S.C. Coordination, Executive Engineer, Directorate of Horticulture, Additional Directorate of Horticulture, Deputy Director of Horticulture, All Deputy Welfare Labour Commissioners and Assistant Labour Welfare Commissioners were requested to make payment of gratuity to casual, muster roll, hand receipt and daily rated workers of CPWD as admissible under the Act. It was further mentioned therein that the current/Pending court cases on the similar issue may be defended or got settled accordingly. Therefore, it is evident that the management admits the claim of all casual, muster roll, hand receipt or daily rated workers of the CPWD for payment of gratuity under the Act.

6. In view of the fact that contest was given up by the workman for regularization of his services from the date of initial employment and management assures compliance of the aforesaid circular, it is expedient to command the management to record services rendered by Arun as muster roll employee in his service book, which

services would be taken into account for payment of gratuity under the Act, at the time of his superannuation or death, as the contingency arise. An award is accordingly passed. It may be sent to the appropriate Government for publication.

Dated: 22-10-09 Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 28 अक्टूबर, 2009

का.आ. 3170.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि करण न.1, नई दिल्ली के पंचाट (संदर्भ संख्या 18/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-10-2009 को प्राप्त हुआ था।

[सं एल-42011/80/2006-आईआर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 28th October, 2009

S.O. 3170.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.18/2007) of the Central Government Industrial Tribunal-Cum-Labour Court No. 1, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workmen, which was received by the Central Government on 28-10-2009.

[No. L-42011/80/2006-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT NO. 1, NEW DELHI,
KARAKERI ROAD, COURT COMPLEX, DELHI

I.D. NO. 18/2007

Shri Narsim Dutt, Belder,
C/o All India CPWD (M.R.M.) Karamchari Sangathan,
House No. 4823, Gali No. 13,
Bali Nagar Extension,
Shahdara, New Delhi-110032

... Workman

Versus

1. The Superintending Engineer,
Coast Circle (Elect.), CPWD,
East Block, R. K. Puram,
New Delhi.

2. The Executive Engineer,
J. Division, C.P.W.D.
East Block, R. K. Puram,
New Delhi.

... Management

AWARD

Narain Dutt joined services with CPWD as daily rated workman w.e.f. 20-1-82. He rendered continuous service of 240 days and his services were regularized in the post of daily rated workman w.e.f. 2-12-92. He claimed regularization of his services from the date of his initial employment. When his demand was not accepted by the management, he raised an industrial dispute before the Conciliation Officer. Since conciliation proceedings came to an end, the appropriate Government referred the dispute to this Tribunal for adjudication, *vide* order No. L-42011/80/2006-IR(DU) New Delhi, dated 1-3-2007, with following terms:

“Whether the demand of All India CPWD (M.R.M.) Karamchari Sangathan for regularization of services of Shri Narain Dutt from the date of his initial employment on muster roll is legal and justified? If yes, to what relief the workman is entitled to?”

2. Claim Statement was filed on his behalf pleading therein that he was employed as daily rated workman w.e.f. 20-1-82. It was projected that Narain Dutt, Belder joined on 20-1-82 and his services were regularized w.e.f. 2-12-92. He rendered 240 days continuous service with the management from the date of his employment till the date of his regularization. There are three wings under CPWD *viz.* Electrical, Civil and Horticulture, where several daily rated workman are employed by the management. The Apex Court in Surinder Singh's case [1986(1)SCC 639] gave a command to the management to regularize services of its daily rated workman, from the date of their initial employment, who have put in six months of continuous service. Accordingly Director General (Works) CPWD issued order dated 25-8-88 for regularization of muster roll employees. Horticulture Wing of the management regularized service of its daily rated workman by 7-12-88, while electrical and civil wing did not take any action in this behalf. The workman is covered under the provisions of the Payment of Gratuity Act, 1972 (in short the Act) and orders were issued in that regard by the management on 26-6-2006. Ram Khilari, a similarly situated workman raised and industrial dispute and Industrial Tribunal Government of NCT, Delhi gave an award for regularization of his services from the date of his initial employment. Workman is eligible for regularization of services from the date of his initial employment. It has been claimed that the management may be commanded to regularize his services from the date of his initial employment.

3. Contest was given to the claim statement pleading therein that the workman was working on muster roll with the management and his services were regularized from the date mentioned by him in the claim statement. His contention that he is eligible for regularization of his services from the date of his initial engagement, is false. The Apex Court in Surinder Singh's case (*supra*) never directed the management to regularize services of muster roll employees from the date of his initial employment. In compliance of

the order of the Apex Court 8982 posts were created in September, 92 and thereafter all workers were regularized in services from prospective dates and not from the date of their initial engagement in various precedents Apex Court ruled that employees selected on daily wages no where automatically become regular from the date of their initial employment, even if they perform duties similar to the regular employees. The workman cannot claim regularization from the back date. When vacancies were available for them their services were regularized. It has been projected that his claim for regularization from the date of his initial employment is false.

4. During the course of adjudication, Shri Satish Kumar Sharma, General Secretary, All India CPWD (M.R.M.) Karamchari Sangathan, who was authorized representative of the workman, made a statement on his behalf that the workman does not press his claim for regularization in the services from the date of his initial employment. Consequently, it is evident that the workman gave up the contest of his demands for regularization of his services from the date of his initial employment.

5. Circular No. 29/77/2000-EC-X New Delhi dated 26-6-2006 was issued by the Director General (Works) CPWD in respect of payment of gratuity to its casual, hand receipt and muster roll workers under the Act. The said Circular Makes it clear that the matter was examined in consultation with the Ministry of Urban Development and Ministry of Labour and it was clarified that the Act is applicable to casual, muster roll, hand receipt and daily rated workers of the CPWD. Consequently all ADVs, CS, SCS, S.C. Coordination, Executive Engineer, Directorate of Horticulture, Additional Directorate of Horticulture, Deputy Director of Horticulture, All Deputy Welfare Labour Commissioners and Assistant Labour Welfare Commissioners were requested to make payment of gratuity to casual muster roll, hand receipt and daily rated workers of CPWD as admissible under the Act. It was further mentioned therein that the current/pending court cases on the similar issue may be defended or got settled accordingly. Therefore, it is evident that the management admits the claim of all casual muster roll, hand receipt or daily rated workers of the CPWD for payment of gratuity under the Act.

6. In view of the fact that contest was given up by the workman for regularisation of his services from the date of initial employment and management assures compliance of the aforesaid circular, it is expedient to command the management to record services rendered by Narain Dutt as daily rated workman in his service book, which services would be taken into account for payment of gratuity under the Act, at the time of his superannuation or death, as the contingency arise. An award is accordingly passed. It may be sent to the appropriate Government for publication.

Dr. R. K. YADAV, Presiding Officer

Dated : 22-10-2009

नई दिल्ली, 28 अक्टूबर, 2009

का.आ. 3171.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी.के. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 21/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-10-2009 को प्राप्त हुआ था।

[सं. एल-42011/78/2006-आईआर (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 28th October, 2009

S.O. 3171.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.21/2007) of the Central Government Industrial Tribunal-Cum Labour Court, No. 1, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workmen, which was received by the Central Government on 28-10-2009.

[No. L-42011/78/2006-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE Dr. R. K. YADAV, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT No. 1, NEW DELHI
KARKARDOOMA COURT COMPLEX DELHI**

I.D. No. 21/2007

Shri Raju through,
C/o All India CPWD (MRM) Karamchari Sangathan
House No. 4823, Gali No. 13,
Balbir Nagar Extension
Shahdara, New Delhi-110032

... Workman

Versus

1. The Superintending Engineer,
Coord. Circle (Elect.), CPWD,
East Block, R. K. Puram,
New Delhi.

2. The Executive Engineer,
H. Division, C.P.W.D.
Pt. Pant Marg, New Delhi.

... Management

AWARD

Raju joined services with CPWD as Beldar w.e.f. 13-10-83. He rendered continuous service of 240 days and his services were regularized in the post of Beldar w.e.f. 4-10-94. He claimed regularization of his services from the date of his initial employment. When his demand was not accepted by the management, he raised an

industrial dispute before the Conciliation Officer. Since conciliation proceedings came to an end, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-42011/78/2006-IR (DU) New Delhi, dated 6-3-2007, with following terms:

“Whether the demand of All India CPWD (M.R.M.) Karamchari Sangathan for regularization of services of Shri Raju, from the date of his initial employment on muster roll is legal and justified? If yes, to what relief the workman is entitled to?”

2. Claim Statement was filed on his behalf pleading therein that he was employed as Beldar w.e.f. 13-10-83. It was projected that Raju joined on 13-10-83 and his services were regularized w.e.f. 4-10-94. He rendered 240 days continuous service with the management from the date of his employment till the date of his regularization. There are three wings under CPWD viz. Electrical, Civil and Horticulture, where several daily rated workmen are employed by the management. The Apex Court in Surinder Singh's case [1986(1)SCC 639] gave a command to the management to regularize services of its daily rated workmen, from the date of their initial employment, who have put in six months of continuous service. Accordingly Director General (Works) CPWD issued order dated 25-8-88 for regularization of muster roll employees. Horticulture Wing of the management regularized service of its daily rated workman by 7-12-88, while electrical and civil wing did not take any action in this behalf. The workman is covered under the provisions of the Payment of Gratuity Act, 1972 (in short the Act) and orders were issued in that regard by the management on 26-6-2006. Ram Khilari, a similarly situated workman raised an industrial dispute and Industrial Tribunal Government of NCT, Delhi gave an award for regularization of his services from the date of his initial employment. Workman is eligible for regularization of services from the date of his initial employment. It has been claimed that the management may be commanded to regularize his services from the date of his initial employment.

3. Contest was given to the claim statement pleading therein that the workman was working on muster roll with the management and his services were regularized from the date mentioned by him in the claim statement. His contention that he is eligible for regularization of his services from the date of his initial engagement, is false. The Apex Court in Surinder Singh's case (supra) never directed the management to regularize services of muster roll employees from the date of his initial employment. In compliance of the order of the Apex Court 8982 posts were created in September, 92 and thereafter all workers were regularized in services from prospective dates and not from the date of their initial engagement in various precedents Apex Court ruled that employees selected on daily wages no where

automatically become regular from the date of their initial employment, even if they perform duties similar to the regular employees. The workman cannot claim regularization from the back date. When vacancies were available for them their services were regularized. It has been projected that his claim for regularization from the date of his initial employment is false.

4. During the course of adjudication, Shri Satish Kumar Sharma, General Secretary, All India CPWD (M.R.M.) Karamchhari Sangathan, who was authorized representative of the workman, made a statement on his behalf that the workman does not press his claim for regularization in the services from the date of his initial employment. Consequently, it is evident that the workman gave up the contest of his demands for regularization of his services from the date of his initial employment.

5. Circular No. 29/77/2000-EC-X New Delhi dated 26-6-2006 was issued by the Director General (Works) CPWD in respect of payment of gratuity to its casual, hand receipt and muster roll workers under the Act. The said Circular Makes it clear that the matter was examined in consultation with the Ministry of Urban Development and Ministry of Labour and it was clarified that the Act is applicable to casual, muster roll, hand receipt and daily rated workers of the CPWD. Consequently all ADVs, CS, SCS, S.C. Coordination, Executive Engineer, Directorate of Horticulture, Additional Directorate of Horticulture, Deputy Director of Horticulture, All Deputy Welfare Labour Commissioners and Assistant Labour Welfare Commissioners were requested to make payment of gratuity to casual, muster roll, hand receipt and daily rated workers of CPWD as admissible under the Act. It was further mentioned therein that the current/pending court cases on the similar issue may be defended or got settled accordingly. Therefore, it is evident that the management admits the claim of all casual muster roll, hand receipt or daily rated workers of the CPWD for payment of gratuity under the Act.

6. In view of the fact that contest was given up by the workman for regularisation of his services from the date of initial employment and management assures compliance of the aforesaid circular, it is expedient to command the management to record services rendered by Raju as muster roll employee in his service book, which services would be taken into account for payment of gratuity under the Act, at the time of his superannuation or death, as the contingency arise. An award is accordingly passed. It may be sent to the appropriate Government for publication.

Dr. R. K. YADAV, Presiding Officer

Dated: 22-10-2009

नई दिल्ली, 28 अक्टूबर, 2009

का.आ. 3172.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 19/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-10-2009 को प्राप्त हुआ था।

[सं. एल-42011/76/2006-आईआर (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 28th October, 2009

S.O. 3172.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No: 19/2007) of the Central Government Industrial Tribunal Cum Labour Court, No. 1, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workmen, which was received by the Central Government on 28-10-2009.

[No. L-42011/76/2006-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM LABOUR COURT NO. 1, NEW DELHI
KARIMNAGAR COURT NO. 1, NEW DELHI

I. D. No. 19/2007

Shri Madan Lal through All India CPWD,
(M.R.M.) Karamchhari Sangathan
House No. 4823, Gali No. 13,
Balbir Nagar Extension,
Shardara, New Delhi-110032

Workman

Versus

1. The Superintending Engineer,
Coord. Circle (Elect.), CPWD,
East Block, R. K. Puram, New Delhi.

2. The Executive Engineer,
C.P.W.D. J. Division,
East Block, R. K. Puram, New Delhi.

Management

AWARD

Madan Lal joined services with CPWD as Beldar w.e.f. 3-1-85. He rendered continuous service of 240 days and his services were regularized in the post of Beldar w.e.f. 13-5-93. He claimed regularization of his services from the date of his initial employment. When his demand was not accepted by the management, he raised an

industrial dispute before the Conciliation Officer. Since conciliation proceedings came to an end, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-42011/76/2006-IR (DU) New Delhi, dated 1-3-2007, with following terms :

“Whether the demand of All India CPWD (M.R.M.) Karamchari Sangathan for regularization of services of Shri Madan Lal, from the date of his initial employment on muster roll is legal and justified? If yes, to what relief the workman is entitled to?”

2. Claim Statement was filed on his behalf pleading therein that he was employed as Beldar w.e.f. 3-1-85. It was projected that Madan Lal joined on 3-1-85 and his services were regularized w.e.f. 13-5-93. He rendered 240 days continuous service with the management from the date of his employment till the date of his regularization. There are three wings under CPWD viz. Electrical, Civil and Horticulture, where several daily rated workmen are employed by the management. The Apex Court in Surinder Singh's case [1986(1)SCC 639] gave a command to the management to regularize services of its daily rated workmen, from the date of their initial employment, who have put in six months of continuous service. Accordingly Director General (Works) CPWD issued order dated 25-8-88 for regularization of muster roll employees. Horticulture Wing of the management regularized service of its daily rated workmen by 7-12-88, while electrical and civil wing did not take any action in this behalf. The workman is covered under the provision of the Payment of Gratuity Act, 1972 (in short the Act) and orders were issued in that regard by the management on 26-6-2006. Ram Khilari, a similarly situated workman raised an industrial dispute and Industrial Tribunal Government of NCT, Delhi gave an award for regularization of his services from the date of his initial employment. Workman is eligible for regularization of services from the date of his initial employment. It has been claimed that the management may be commanded to regularize his services from the date of his initial employment.

3. Contest was given to the claim statement pleading therein that the workman was working on muster roll with the management and his services were regularized from the date mentioned by him in the claim statement. His contention that he is eligible for regularization of his services from the date of his initial engagement, is false. The Apex Court in Surinder Singh's case (supra) never directed the management to regularize services of muster roll employees from the date of his initial employment. In compliance of the order of the Apex Court 6982 posts were created in September 92 and thereafter all workers were regularized in services from prospective dates and not from the date of their initial engagement in various precedents. Apex Court ruled that employees selected on daily wages no where

automatically become regular from the date of their initial employment, even if they perform duties similar to the regular employees. The workman cannot claim regularization from the back date. When vacancies were available for them their services were regularized. It has been projected that his claim for regularization from the date of his initial employment is false.

4. During the course of adjudication, Shri Satish Kumar Sharma, General Secretary, of All India CPWD (M.R.M.) Karamchari Sangathan, who was authorized representative of the workman, made a statement on his behalf that the workman does not press his claim for regularization in the services from the date of his initial employment. Consequently, it is evident that the workman gave up the contest of his demands for regularization of his services from the date of his initial employment.

5. Circular No. 29/77/2000-EC10 New Delhi dated 26-6-2006 was issued by the Director General (Works) CPWD in respect of payment of gratuity to its casual, hand receipt and muster roll workers under the Act. The said Circular makes it clear that the matter was examined in consultation with the Ministry of Urban Development and Ministry of Labour and it was clarified that the Act is applicable to casual, muster roll, hand receipt and daily rated workers of the CPWD. Consequently all ADVs, CS, SCS, S.C. Coordination, Executive Engineer, Directorate of Horticulture, Additional Directorate of Horticulture, Deputy Director of Horticulture, All Deputy Welfare Labour Commissioners and Assistant Labour Welfare Commissioners were requested to make payment of gratuity to casual, muster roll, hand receipt and daily rated workers of CPWD as admissible under the Act. It was further mentioned therein that the current/pending court cases on the similar issue may be defended or got settled accordingly. Therefore, it is evident that the management admits the claim of all casual, muster roll, hand receipt or daily rated workers of the CPWD for payment of gratuity under the Act.

6. In view of the fact that contest was given up by the workman for regularization of his services from the date of initial employment and management asserts compliance of the aforesaid circular, it is expedient to command the management to record services rendered by Madan Lal as muster roll employee in his service book, which services would be taken into account for payment of gratuity under the Act at the time of his superannuation or death, as the contingency arise. An award is accordingly passed. It may be sent to the appropriate Government for publication.

Dr. R. K. YADAV, Presiding Officer

Dated: 12-10-2009

नई दिल्ली, 28 अक्टूबर, 2009

का.आ. 3173.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गन कैरिज फैक्ट्री के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/276/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-10-2009 को प्राप्त हुआ था।

[सं. एल-14011/1/89-डी-2(बी)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 28th October, 2009

S.O. 3173.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/276/89) of the Central Government Industrial Tribunal -Cum -Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Gun Carriage Factory Limited and their workman, which was received by the Central Government on 28-10-2009.

[No. L-14011/1/89-D-2(B)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/276/89

Presiding Officer : Shri Mohd. Shakir Hasan

Shri S. K. Das,
6/5, "H" Type,
GCF Estate,
Jabalpur (MP)

... Workman/Union

Versus

The General Manager,
Gun Carriage Factory,
Jabalpur (MP)

... Management

AWARD

Passed on this 12th day of October, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-14011/1/89-D-2(B) dated 19-12-1989 has referred the following dispute for adjudication by this tribunal :—

"Whether the demand of the workmen S/Sh. S. K. Das, S. K. Bangal, D. K. Bardhan and N. R. Chakraborty, Grade-B for up-grading them as Grade

A is fair and justified? If so, what benefit these workmen should be entitled?"

2. The case of the workmen in short is that the workmen had undergone a training scheme known as skilled craftsman training (in short SCT) in between 1976—78 as 2nd Batch and after successful/ satisfactory completion of the said training posted under the non-applicant in a pay scale of Rs. 260-360 ('B' Grade) from 17-9-77 to 17-3-1978 in various trades. The non-applicant is said to have introduced training scheme at different times which was popularly known as Trade Apprenticeship Training and ATS training respectively under Apprenticeship Act, 1961. It is stated that the trainees of ATS after completion of their training were posted in A-Grade. It is stated that one another training scheme is by DGOF known as skilled Artisan Training Scheme for Ordnance factories and Ordnance equipment Factories (in short SAT). It is stated that the cooperative study of all the schemes show that the training scheme of SCT was of higher period and much higher standard than the other two schemes. All the applicants/workmen completed their respective course of training successfully and passed the gradation test and were placed them in Grade B whereas other trainees of other scheme, who were much low standard, were placed after training in Grade "A". It is stated that when the applicants were declared that they had successfully completed the training, it is unjust to be posted in inferior grade. It is stated that it is a violation of fundamental rights guaranteed in the constitution of India. It is stated that the result of the applicants show that they had secured good marks. As such the the applicants also deserve Grade "A" from the date of appointment after passing gradation test. On these grounds, it is stated that the reference be answered in their favour.

3. The non-applicant/management appeared and filed Written statement in the case. The case of the management, inter alia, is that the applicants raised the dispute initially before Asstt. Labour Commissioner for upgradation by making comparison between different training schemes. It is admitted that there are three schemes which are as under:—

- (i) Under the Scheme 1964 for Training of Skilled Craftsmen at Artisan Training School, successful trainees were to be appointed as skilled Craftsmen Gr. I ("A" grade craftsmen) in the scale of pay of Rs. 140-180 or Rs. 150-180 (Revised to Rs. 320-400 w.e.f. 1-1-73). Those who could not qualify for the above grades were appointed as skilled craftsmen Gr. II ("B" Grade craftsmen) in the pay scale of Rs. 110—143 or Rs. 125-155 (Revised to Rs. 260-350 w.e.f. 1-1-1973).
- (ii) Under the scheme of 1970 for Training of Skilled Craftsmen at Artisan Training School after completion of training, the trainees were

graded as fit for the post of skilled Gr. I ("A" Grade craftsmen) or skilled Gr. II ("B" Grade Craftsmen) or unfit for service. The Skilled Gr. I carried the pay scale of Rs. 320-400 while the skilled Gr. II carried the pay scale of Rs. 260-350 w. e. f. I-1-73.

- (iii) Under the scheme of 1981 for skilled Artisan Training (SAT) the trainees after successful gradation were to be appointed to the post of skilled Gr. II/ "B" Grade craftsmen in the pay scale 260-400 after two years training, the SAT boys who were NCTVT passed, came through competition selection test and took 1/2 years training were placed in the Highly skilled Gr. II in pay scale of Rs. 330-480. The persons recruited under the above schemes belong to different batches who were trained at different points of time under different schemes. As such the status of one Batch of a particular one scheme cannot be compared with a batch of another scheme."

4. The applicants were trained as per second scheme. It is stated that after completion of the training, the trainees were to be given either Grades "A" or "B" according to he merit and performance. The performance of the applicants were inferior other than those who were placed in Grade "A". It is stated that a similar position doesnot exist in respect of the applicants with other trainees in other schemes and therefore upgradation did not apply to the applicants. The applicants have no claim and they are rightly placed in Grade "B" on their own merits. The different schemes cannot be equated by the applicants for taking any advantage. It is submitted that the reference be answered in favour of the non-applicant/management.

5. The only point for consideration is as to whether the demand of the workmen for upgradation as Grade "A" is fair and justified?

6. Both the parties have adduced evidence in the case. The applicants have adduced oral and documentary evidence in the case. The witness of the workmen Shri S.K. Bangal is also one of the applicant. He is Grinder in Gun Carriage Factory, Jabalpur. He has stated he had undergone Apprenticeship training from 1971 to 1974 and got pass certificate. The said certificate is marked as Exhibit W/10. He has stated that the management had introduced training of skilled craftman in three different names and SAT trainees are to be posted after completion of training in Grade "B" but they had been placed in higher grade whereas he should to placed in the higher post of Highly skilled Grade II. This fact appears to be not true because the workmen have filed order of the management which are marked as Exhibit W/6 and W/7 wherein it appears that this witness is given Grade "A". His contention appears to be not substantiated from

the documents filed by the applicants themselves. He has further stated in cross-examination that after completion of the training, the trainees are to be given Grade "A" or Grade "B" in accordance to their performance. This shows that he has supported the case of the non-applicant. That the Grades are to be allotted as on performance. Moreover he has already got the Grade "A".

7. Shri D.K. Bardhan is Turner. He has supported his case in examination-in-chief whereas in cross-examination, he has admitted that the grade was given according to the performance and he got Grade-"B". He is unable to say about his performance whether it was good or not. Shri Nikhil Chakraborty is another applicant. He is fitter in Gun Carriage Factory, Jabalpur. In examintaion-in-chief, he has supported his case. In cross-examination, he has admitted the case of the non-applicant/management. He has stated that grade was given according to the performance. He got grade "B". He has further stated that it is true that his performance in the training was not good as such he was given Grade "B". This itself shows that the management was justified in not giving Grade "A" to this workman. Shri S.K. Das is Tool and Die maker in Gun Carriage Factory, Jabalpur. He is also an applicant. He has supported the case of the management. He has stated that the Grade "A" and "B" were allotted on the basis of marks obtained in training and it is true that he got less marks and the performance was not good in the training. Shri G.D. Tantuwai is also examined on behalf of the workmen. He got Grade "A" after completion of his training. The applicants were not of his batch and he did not know the scheme in which the applicants had taken training. His evidence doesnot prove the case that the demand to upper grade by the applicants was justified. The oral evidence of the applicants proves that the grade was allotted on the basis of performance and the workmen/applicants had not performed to the extent of Grade "A".

8. The applicants have adduced documentary evidence in the case. Exhibit W/1 to W/3 are the prospectus of the different three schemes. This is filed to compare all the three schemes. These documents appear to be not helpful because it is an admitted fact that all the trainers were placed according to their performance. Exhibit W/4 is the chart prepared by the applicants to compare the different schemes. Exhibit W/5, W/10 to W/12 are the certificates of the workmen. These certificates show that their marks were obtained to the extent of pass marks. The marks of Shri S.K. Bangal was better than other three applicants and as such he was placed in grade "A". Their certificates support the case of the management that they were not performed to the extent of Grade "A".

9. Exhibit W/6 and W/7 are the factory order and order of promotion of individuals. This is filed to show that Shri S. K. Bangal was placed in Grade "A" and others were placed in grade "B". It is an admitted fact that the placement

of grades are on the basis of performance in the training. Exhibit W/8 is the circular and Exhibit W/9 is the order of Shri H. K. Dasgupta for placing him in Grade "A" after training. These documents donot prove the case of the applicants as it is an admitted fact that their performance was not upto the mark of Grade "A".

10. On the other hand, the management has also adduced oral and documentary evidence. The management has filed two evidence of the witnesses namely of Shri J. D. Tiwari and Shri M. Sivakumar but they did not turn up for cross-examination. Their evidence is not to be look into in evidence. The management has filed fitment Expert Classification Committee report which is marked as Exhibit M/1 and fitment of Industrial workers of Ordnance and Ordnance Equipment Factories in pay scales by third pay commission which is marked as Exhibit M/2. These are filed to show that what were the pay scales of the workmen. Considering the entire evidence, it appears that the burden was on the applicants to prove their demand of upgradation but it is admitted that their performance was not upto the mark for the upgradation. Accordingly the reference is answered in favour of the management.

11. In the result, the award is passed without any costs.

12. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 28 अक्टूबर, 2009

का.आ. 3174.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महानगर टेलीफोन निगम लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/82 ऑफ 2002) को प्रकटित करती है, जो केन्द्रीय सरकार को 28-10-2009 को प्राप्त हुआ था।

[सं. एल-40011/6/2002-आईआर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 28th October, 2009

S.O. 3174.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/82 of 2002) of the Central Government Industrial Tribunal No. II, Mumbai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Mahanagar Telephone Nigam Limited and

their workman, which was received by the Central Government on 28-10-2009.

[No. L-40011/6/2002-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

A. A. LAD, Presiding Officer

Reference No. CGIT-2/82 OF 2002

Employers in Relation to the Management of Mahanagar
Telephone Nigam Ltd.

The Chief General Manager,
Mahanagar Telephone Nigam Ltd.
Telephone House, Prabhadevi,
Mumbai-400028

... First Party

Versus

Their Workmen
Shri Kishor Mahadeo Kamble,
Building No. 51, Room No. 1603,
Nehru Nagar, Kurla (E),
Mumbai-400024

... Second Party

APPEARANCE

For the Employer : Mr. Vinay S. Masurkar,
Advocate

For The Workmen : Shri Jaiprakash Sawant,
Advocate

Date of reserving the Award : 24-7-2009

Date of passing the Award : 7-10-2009

AWARD

The matrix of the facts as culled out from the proceedings are as under :

1. The Government of India, Ministry of Labour by its Order No. L-40011/6/2002-IR (DU) dated 19-12-2002 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

Whether the action of the Management Mahanagar Telephone Nigam Limited, Mumbai in terminating the services of Shri Kishor Mahadeo Kamble, Office Peon w.e.f. 17-5-1999 is legal and justified? If not, to what relief the workman is entitled?"

2. Claim Statement is filed by the 2nd Party at Exhibit 4 making out the case that, he served with the 1st Party at Vikhroli from December, 1994 as a Peon. He claims that, he worked continuously on daily wages of Rs. 30 per day. Payment was made on weekly basis. He was reimbursed with the expenses incurred by him for conveyance for the office work. According to him without following due process of law he was terminated w.e.f. 17-5-1999. So he prays to reinstate him with benefit of back wages.

3. This is disputed by 1st Party by filing reply at Exhibit 8 making out the case that, the 2nd Party was not appointed by 1st Party. He was not called for interview. It is stated that, procedure of selection and conducting interviews or examination was not following while appointing 2nd Party Workman with 1st Party. It is contended that, the concerned workman was working on casual basis. Payment was made as and when he did any work casually. There is no employer-employee relationship. Since he was not appointed by following due process of law and he did not work as an employee of the 1st Party, it is stated that, he cannot be continued as prayed by him. It is denied that, he worked continuously. It is also denied that, he was terminated by the 1st Party. The case of the 1st Party is that prayer prayed by the 2nd Party to reinstate him by quashing the termination has no substance to consider.

4. 2nd Party filed rejoinder at Exhibit 9 making out the same story claiming that, 1st Party is employer and it terminated his services without following due process of law.

5. In view of the above pleadings Issues were framed by my Ld. Predecessor which answer as follows :

ISSUES

FINDINGS

1. Whether the workman worked Continuously more than 240 days? No

2. Whether the Management proves that reference is not maintainable as averred in Written Statement para 2? Yes

3. Whether the Workman proves that he was terminated without following the provisions of Section 25F of the Industrial Disputes Act? Does not arise to consider

4. Whether the action of the Management Mahanagar Telephone Nigam Limited., Mumbai, in terminating the Services of Shri Kishor Mahadeo Kamble, Office Peon w.e.f. 17-5-1999 is legal and justified? Does not arise to consider

5. What relief the workman is Entitled to? Does not arise to consider

REASONS :

Issue No. 1 :

6. 2nd Party claims that, he worked continuously with 1st Party and that, he worked on daily wages. According to him he became employee of the 1st Party by virtue of services rendered by him of 240 days. Whereas case of the 1st Party is that, he never worked with it as its employee. His services were taken as and when required. He was paid on daily wages. He was casual worker and as such 2nd Party cannot take benefit of it.

7. To prove his case 2nd Party led evidence by filing his affidavit in lieu of his examination-in-chief at Exhibit 24 making out, in short, his case that, he worked with 1st Party continuously and that his services were terminated by the 1st Party without following due process of law. In the cross he admits that, he did not apply with 1st Party. He states that, one Parijatam who was working with 1st Party called him to work with him. He admits that, he did not read advertisement of vacancy and applied accordingly with 1st Party. He admits that, no appointment letter was issued to him by Mahanagar Telephone Nigam Limited. He admits that, he was signing muster as and when he was called for work. He admits that, he relied on Exhibit 20 to claim employment with 1st Party. He states that, he has no evidence to show that, employees like him were made permanent by Mahanagar Telephone Nigam Limited. He admits that, he did not complain with anybody about his so called termination.

8. Against that, 1st Party led evidence by examining its witness Balasubramaniam by filing his affidavit at Exhibit 29 in lieu of his examination-in chief who states that, 2nd Party was a casual worker. He states that, his services were taken as and when required. He states that, payment was made for the day on which he worked. It is stated that, he was never recruited by conducting interviews, inviting applications by giving advertisement and interviewing the workman.

9. Written arguments were filed by 2nd Party at Exhibit 31 and the same were replied by 1st Party by filing it at Exhibit 32.

10. Heard both. Here 2nd Party relied on document produced at Exhibit 20. It is copy of muster roll. If we peruse page 1 of it we find name of 2nd Party shown at serial Nos. 96 and 97 shows that, he worked only for 2 days in September, 95. Then if we turn to page 2 where name of 2nd Party is shown at serial Nos. 121-122 where he is shown served for 2 days in September, 1995. Then if we turn to page 3 we find his name at serial Nos. 135 and 136 when he is shown worked for 2 days in September, 1995 and got taxi fare of 27-9-1995 and 28-9-1995. Entry for the same day at serial Nos. 140-141 shows that, he served for 2 days in October, 1995. Likewise entry at serial Nos. 144, 148 and 149 shows that, he worked for 2 days in October, 1995. Entry at serial No. 161 shows that, he did not work for that day but attended Malbar Hill office by taxi for which he was paid Rs. 150. Same type of entry is at Serial Nos. 167 and 168 where is shown worked for 2 days where he worked for 4 days in October, 1995. Likewise entry at Sr. Nos. 186-187 reveals he worked for 2 days in November, 1995. So these are the examples where we find that, he worked in September, 1995 to November, 1995 for few days as referred above. It is not shown by 2nd Party workman that he worked for 240 days with 1st Party in a calendar year or claim that work is available and his services require to consider to claim permanency. In fact burden is on 2nd party to show that, he worked for 240 days in each calendar year to claim permanency. Said is not discharged by him. He simply rely on documents at Exhibit 20. Citation published in 2008 I LLJ page 957, citation published in 2008 I LLJ page 492 and citation published in 2008 I LLJ page 48 where it is observed that, burden is on 2nd Party to show that, he worked for 240 days continuously. Even our Hon'ble High Court in the citation published in 2008 III LLJ page 964 observed that daily workers having worked for 12—20 years without appointment cannot claim permanency. When 2nd Party is unable to show that he worked for 240 days continuously in each calendar year to claim permanency in my considered view, daily working of the 2nd Party with 1st Party does not qualify him to acquire permanency and to treat him as an employee of the 1st Party. Besides he admit that, he was not interviewed. He admits that, he was not called by 1st Party. Even he admits that, no appointment order is given to him. All this reveals that, 2nd Party was employed by 1st Party only on casual basis. A. this also reveals that, work was taken from him as and when required. Even Exhibit 20 reveals that he was called as and when work was available and he was paid accordingly on work basis. So all this reveals that, 2nd Party does not work for 240 days in each calendar year to claim permanency which is one of the criteria to claim permanency.

ISSUE NOS. 2 TO 5:

11. 2nd Party claims that, he is entitled for reinstatement since he was illegally terminated. Whereas case of the 1st Party is that, he was never appointed by it. He was casual worker. Since he was not regularly appointed question of following provisions of Industrial Disputes Act, 1947 before asking 2nd Party not to report on duty does not arise. It is also case of the 1st Party that, he was not terminated and as such 2nd Party cannot challenge the so called termination dated 17-5-1999.

12. To consider all that, if we peruse the evidence as referred above which is the only evidence on record in which we find that, no appointment was given to 2nd Party by 1st Party. We find no evidence is available to reach in favour of 2nd Party workman to conclude that he worked continuously. Even all this reveals that, 2nd Party was not terminated by termination letter as alleged by him. Even nothing is shown by 2nd Party that, he was illegally terminated by giving notice of termination. On the contrary he admits that, he never complained about this type of termination. When there is no termination question of following provisions of Industrial Disputes Act, 1947 before stopping 2nd Party does not arise, since he was not appointed. Besides if we look that, no interview was conducted, it is to be noted that he was not called by 1st Party. Even 2nd Party admits that, there was no advertisement in the newspaper about said post. When 2nd party was not interviewed and appointed by 1st party and was not selected by it by following selection process question arises how he can be continued in the employment? Making a prayer of this type is nothing but seeking a back door entry in the employment of the 1st Party without appearing for interview or without following due procedure of selection by the 1st Party and passing the test of the post for which he claim.

13. All this reveals that, 2nd Party is not entitled for continuation as prayed in the Claims Statement since he is seeking back door entry in the employment of the 1st Party. When he is not employee of the 1st Party, question of following provisions of Industrial Disputes Act, 1947 or terminating him by 1st party and considering his prayer of reinstatement by quashing termination and grand of back wages does not arise.

14. In view of the discussion made above I conclude that, the reference deserves to be rejected, Hence, the order.

ORDER

Reference is rejected with no order as to its costs.

Bombay,

A. A. LAD, Presiding Officer

7th October, 2009.

नई दिल्ली, 28 अक्टूबर, 2009

का.आ. 3175.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 76/2009 को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-10-2009 को प्राप्त हुआ था।

[सं. एल-42012/164/2005-आईआर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 28th October, 2009

S.O. 3175.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 76/2009) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of C.P.W.D., their workmen, which was received by the Central Government on 28-10-2009.

[No. L-42012/164/2005-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 1, NEW
DELHI, KARKARDOOMA COURT COMPLEX DELHI**

I. D. No. 76/2009

Smt. Munni Bai, through
The General Secretary,
All India Central PWD (MRM)
Karamchari Sangathan (Regd.),
House No. 4823, Gali No. 13,
Balbir Nagar Extension,
Shahdara, New Delhi - 110032.Workman

Versus

The Superintending Engineer,
Coordination Circle (Elect),
C.P.W.D., East Block,
R. K. Puram, New Delhi.Management

AWARD

Smt. Munni Bai w/o Shri Nanji Lal joined services with CPWD as daily rated workman w.e.f. 27-11-1978. She rendered continuous service of 240 days and her services were regularized in the post of daily rated workman w.e.f. 2-6-89. She claimed regularization of her services from the date of her initial employment. When her demand was not accepted by the management, she raised an industrial dispute before the Conciliation Officer. Since conciliation proceedings came to an end, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-42012/164/2005-IR (CM-II), New Delhi, dated 18-9-2006, with following terms.

“Whether the demand of All India CPWD (M.R.M.) Karamchari Sangathan against the Superintending Engineer, Coordination Circle (Elect.) CPWD, East Block, R. K. Puram, New Delhi for regularization of Smt. Munni Bai, W/o Shri Nanji Lal, Beldar in service w.e.f. 27-11-78 to 1-6-1989 is just, valid and legal? If so, to what benefits the workman is entitled for?”

2. Claim statement was filed on her behalf pleading therein that she was employed as daily rated workman w.e.f. 27-11-1978. It was projected that Smt. Munni Bai joined on 27-11-1978 and her services were regularized w.e.f. 2-6-89. She rendered 240 days continuous service with the management from the date of his employment till the date of her regularization. There are three wings under CPWD viz. Electrical, Civil and Horticulture, where several daily rated workmen are employed by the management. The Apex Court in Surinder Singh's case (1986 (1) SCC page 639) gave a command to the management to regularize services of its daily rated workmen, from the date of their initial employment, who have put in six months of continuous service. Accordingly Director General (Works) CPWD issued order dated 23-8-88 for regularization of muster roll employees. Horticulture Wing of the management regularized service of its daily rated workmen by 7-12-88, while Electrical and Civil wing did not take any action in that behalf. The workman is covered under the provisions of the Payment of Gratuity Act, 1972 (in short the Act) and orders were issued in that regard by the management on 26-6-2006. Ram Khilari, a similarly situated workman raised an industrial dispute and Industrial Tribunal Government of NCT, Delhi gave an award for regularization of his services from the date of his initial employment. Workman is eligible for regularization of their services from the date of his initial employment. It has been claimed that the management may be commanded to regularize his services from the date of his initial employment.

3. Contest was given to the claim statement pleading therein that the workman was working on muster roll with the management and her services were regularized from the date mentioned by her in the claim statement. Her contention that she is eligible for regularization of her services from the date of her initial engagement, is false. The Apex Court in Surinder Singh's case (supra) never directed the management to regularize services of muster roll employees from the date of their initial employment. In compliance of the order of the Apex Court 8982 posts were created in September, 92 and thereafter all workers were regularized in services from perspective dates and not from the date of their initial engagement, in various precedents Apex Court ruled that employees selected on daily wages nowhere automatically become regular from the date of their initial employment, even if they perform duties similar to the regular employees. The workman cannot claim regularization from the back date. When vacancies were available for them their services were regularized. It has been projected that his claim for regularization from the date of their initial employment is false.

4. During the course of adjudication, a settlement was arrived at between the parties. Shri C.B. Upadhaya, Executive Engineer, R. Division, Curzon Road Barracks, New Delhi

assured the workman that circular dated 26-6-06 issued by the Director General, (Works) CPWD in respect of payment of gratuity to casual, muster roll, hand receipt or daily rated worker of CPWD shall be implemented in his case. In view of that assurance, Shri Satish Kumar Sharma, General Secretary, All India CPWD (M.R.M.) Karamchari Sangathan, who was authorized representative of the workman, made a statement on his behalf that the workman does not press his claim for regularization in the services from the date of his initial employment. Consequently, it is evident that the workman gave up the contest of her demands for regularization of her services from the date of his initial employment.

5. Circular No.29/77/2000-EC10 New Delhi dated 26-6-2006 was issued by the Director General (Works) CPWD in respect of payment of gratuity to its casual, hand receipt and muster roll workers under the Act. The said circular makes it clear that the matter was examined in consultation with the Ministry of Urban Development and Ministry of Labour and it was clarified that the Act is applicable to casual, muster roll, hand receipt and daily rated workers of the CPWD. Consequently all ADVs, CS, SCS, S.C. Coordination, Executive Engineer, Directorate of Horticulture, Additional Directorate of Horticulture, Deputy Director of Horticulture. All Deputy Welfare Labour Commissioners and Assistant Labour Welfare Commissioners were requested to make payment of gratuity to casual muster roll, hand receipt and daily rated workers of CPWD as admissible under the Act. It was further mentioned therein that the current/pending court cases on the similar issue may be defended or got settled accordingly. Therefore, it is evident that the management admits the claim of all casual muster roll, hand receipt or daily rated workers of the CPWD for payment of gratuity under the Act.

6. In view of the fact that the contest was given up by the workman for regularisation of his services from the date of initial employment and management assures compliance of the aforesaid circular, it is expedient to command the management to record services rendered by Smt. Munni Bai as muster roll employee in her service book, which services would be taken into account for payment of gratuity under the Act, at the time of his superannuation or death, as the contingency arise. An award is accordingly passed. It may be sent to the appropriate Government for publication.

Dated : 17-9-09

DR. R. K. YADAV, Presiding Officer

नई दिल्ली, 28 अक्टूबर, 2009

का.आ. 3176.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 127/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-10-2009 को प्राप्त हुआ था।

[सं. एल-22012/54/2002-आईआर (सीएम-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 28th October, 2009

S.O. 3176.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 127/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Churcha Sub Area of SECL, and their workmen, which was received by the Central Government on 28-10-2009.

[No. L-22012/54/2002-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/127/02

Presiding Officer : Shri Mohd. Shakir Hasan

The Vice President,
Rashtriya Koyla Khadan Mazdoor Sangh (INTUC),
Baikunthpur Area of SECL,
PO : Baikunthpur,
Distt. Korea (C.G.)

..... Workman/Union

Versus

The Sub Area Manager,
Churcha Sub Area of SECL,
PO : Churcha, Distt. Korea,
Korea (Chhattisgarh)

.....Management

AWARD

Passed on this 19th day of October, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/54/2002-IR (CM-II) dated 2-9-02 has referred the following dispute for adjudication by this tribunal :-

“Whether the demand of the Rashtriya Koyla Khadan Mazdoor Sangh from the management of SECL, Jabalpur Churcha Sub Area that Sh. Ram Bichare, Category II Mazdoor be reinstated in his original position w.e.f. 12-5-97 and his basic wage as at that time restored with all consequential benefits pertaining to bonus, leave and promotion/upgradation is just, fair and legal ? If so, to what relief is the workman entitled and from what date ?”

2. The workman did not appear in spite of proper notice. The then Tribunal proceeded ex parte against the workman on 17-10-06.

3. The management filed Written Statement in the case. The case of the management in short is that the workman was initially appointed as General Mazdoor, Category No. 1. Thereafter he was regularized on 4-7-01. He was then promoted as General Mazdoor, Category

No. II on 15-5-1995. It is stated that the Medical Board, SECL, Bilaspur is said to have declared him unfit due to amputation of mid thigh of left leg on 5-5-97. As such his name was struck off from the roll of the company on 12-5-1997. The workman made representation before the Sub Area Manager, Churcha on 21-5-97 to consider his case sympathetically for keeping him in employment till his son become adult. The request was turned down in view of the Medical report. He was then sent before the Screening Committee in pursuance of Letter No. AGM/BKP/9/96/9968 dated 8/9-3-96 and letter No. CH/FO/30/96 5703 dated 12/14-3-96 of Sub Area Manager, Churcha. The Union is said to have raised his case at Headquarter, Bilaspur where in the meeting, it was discussed and finally in the minute No. 184-10, it was decided that if on re-examination by the Apex Medical Board, they would be found fit for another jobs, they would be given the wages for the jobs preferred by them and would not be entitled for relief under clause 9 of NCWA. The said decision was communicated to the workman/applicant who accepted the post of General Mazdoor Cat-I and gave his declaration in writing. He was, therefore, reinstated on the post of General Mazdoor Cat-I on 19-1-98 by Area Personnel Manager, Baikunthpur Area and was posted at Churcha Colliery. It is submitted that the workman is not entitled to any relief and the reference be accordingly answered.

4. Now the question for decision is as to whether the demand of the Union from the management that the workman Shri Ram Bichare be reinstated in his original position w.e.f. 12-5-97 with all consequential benefits is just, fair and legal?

5. To prove the case, the management has adduced oral and documentary evidence. Shri S. K. Das is Sr. Personnel Officer in Baikunthpur Area. He has stated that rule 29 (B) Mines Rules provides periodical medical examination of the workmen. He has stated that the workman Shri Ram Bichare was found unfit and it was after promotion as General Mazdoor Cat-II. The result of the Medical Examination was communicated to him. The said report is filed which is marked as Exhibit M/1. The report shows that he was unfit due to mid thigh amputation in left leg. He has stated that his name was struck off from the roll of the company. The said order is filed which is marked as Exhibit M/2. The order shows that he was struck off from the roll of the company w.e.f. 12-5-97.

6. This witness has further stated that the applicant filed a representation on 21-5-97 for sympathetic consideration but it was not considered by the Sub Area Manager. He has further stated that he was sent before Medical Screening Committee by Sub Area Manager. The said letter is filed and is marked as exhibit - M/3. This letter shows that he was sent in compliance of the letter No. AGM (BKP) 9/96/9968 dated 8/9-3-96. He has stated that the Union

also raised his case with Headquarter, Bilaspur where the case was discussed and resolved that if he would be found fit by the Apex Board for inferior post, he would be reinstated on the said post and the wages be given of the said post on written agreement and would not be entitled under clause 9 of NCWA. He has stated that the Chief Medical Officer reported that he may be deployed in easy jobs. This report is marked as exhibit M/4. The report was communicated to the workman who gave declaration that he would not demand under clause No. 9:4:0 of the NCWA and was ready to accept the post of General Mazdoor Cat-I. The said declaration is marked as exhibit M/5. He has stated that the workman was then reinstated on the post of General Mazdoor Cat-I by the Area Personnel Manager, Baikunthpur on 19-1-98. The said order is marked as Exhibit M/6. Thus the oral and documentary evidence clearly show that the workman was declared unfit for the General Mazdoor Cat-II and on his request and on re-examination by the Chief Medical Officer, the post of General Mazdoor Cat-I was offered with condition that he would not claim wages as per clause 9:4:0 of NCWA. This clearly shows that he is not entitled the pay of General mezdoor Cat-II. It appears that the demand of Union is not justified. Accordingly the reference is answered in favour of the management.

7. In the result, the award is passed ex parte against the workman/Union without any costs.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

खान सुरक्षा महानिदेशालय

धनबाद, 6 नवम्बर, 2009

का.आ. 3177.— मैं, एस. जे. सीबल, मुख्य खान निरीक्षक जिसे खान सुरक्षा महानिदेशक के रूप में भी पदनामित किया गया है, खान अधिनियम, 1952 की धारा 6 की उप-धारा 3 के तहत प्रदत्त शक्तियों तथा उपरोक्त विषय पर पूर्व में निर्गत सभी अधिसूचनाओं एवं परिपत्रों का अधिक्रमण करते हुए एतद्वारा घोषित करता हूँ कि खान अधिनियम, 1952 की धारा 5 की उप-धारा 1 के तहत नियुक्त निरीक्षक अपने क्षेत्राधिकार के सम्बद्ध जोन, क्षेत्र एवं उप-क्षेत्र में अपनी शक्तियों का प्रयोग संलग्न "परिशिष्ट" में दिए गए निर्देशानुसार करेंगे।

[सं. एस.-29022/1/2009-सामान्य/3423]

एस. जे. सीबल, मुख्य खान निरीक्षक एवं
खान सुरक्षा महानिदेशक

परिशिष्ट उत्तरी जोन, जिसका मुख्यालय गाजियाबाद (उत्तर प्रदेश) होगा, तथा इसके साथ गाजियाबाद क्षेत्र, अजमेर क्षेत्र, ग्वालियर क्षेत्र तथा वाराणसी क्षेत्र समाविष्ट होंगे।

गाजियाबाद क्षेत्र, मुख्यालय गाजियाबाद राज्य-उत्तर प्रदेश

जम्मू एवं कश्मीर राज्य	सभी खदान
हिमाचल प्रदेश राज्य	सभी खदान
पंजाब राज्य	सभी खदान
हरियाणा राज्य	सभी खदान
चंडीगढ़ केन्द्र शासित प्रदेश	सभी खदान
उत्तराखण्ड राज्य	सभी खदान
दिल्ली राज्य	सभी खदान
राजस्थान राज्य	सभी खदान अलवर एवं भरतपुर जिले में।
उत्तर प्रदेश राज्य	मुजफ्फरनगर, सहारनपुर, बिजनौर, मेरठ, बागपत, गाजियाबाद, बुलन्दशहर, जौतिबाकुले नगर, मुरादाबाद, रामपुर, अलीगढ़, बदायूं, बरेली, पीलीभीत, मथुरा, हाथरस, ऐटा, शाहजहाँपुर, लखीमपुर, आगरा, फिरोजाबाद, मैनपुरी, फर्रुखाबाद, हरदोई, सीतापुर, इटावा, कन्नौज, औरिया, कानपुर, ग्रामीण कानपुर, उन्नाव एवं लखनऊ जिले के सभी खदान।

अजमेर क्षेत्र, मुख्यालय अजमेर राज्य-राजस्थान

राजस्थान राज्य	श्रीगंगानगर, बीकानेर, जैसलमेर, बाड़मेर, जोधपुर, नागौर, चुरू, हनुमानगढ़, झुंझुनू, सीकर, पाली, भीलवाड़ा, अजमेर, जयपुर, दौसा, सवाईमाधोपुर, टोंक तथा बुन्दी जिले के सभी खदान।
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ग्वालियर क्षेत्र, मुख्यालय ग्वालियर राज्य-मध्य प्रदेश

राजस्थान राज्य	कोटा, दार, करौली, धोलपुर, तथा झालवार जिले के सभी खदान।
मध्य प्रदेश राज्य	मोरेना, शिवपुर, भिंड, ग्वालियर, शिवपुरी, गुना, भोपाल, विदिशा, दतिया, राजगढ़, टिकमगढ़ तथा छत्तरपुर जिले के सभी खदान।
उत्तर प्रदेश राज्य	जलौन, झांसी, ललितपुर, हमीरपुर तथा महोबा जिले के सभी खदान।

वाराणसी क्षेत्र, मुख्यालय वाराणसी राज्य-उत्तर प्रदेश

उत्तर प्रदेश राज्य	बहराईच, श्रावस्ति, बाराबंकी, गोंडा, रायबरेली, फतेहपुर, बांदा, चित्रकूट, कौशंबी, प्रतापगढ़, सुलतानपुर, फैजाबाद, बस्ती, बलरामपुर, सिद्धार्थ नगर, महाराजगंज, सन्त कबीर नगर, अम्बेदकर नगर, जौनपुर, इलाहाबाद, कुशीनगर, देवरीया, गोरखपुर, आजमगढ़, मऊ, बलिया, सन्त रविदास नगर, वाराणसी, मिर्जापुर, चन्दौली एवं सोनभद्रा जिले के सभी खदान।
मध्य प्रदेश राज्य	सीधी जिले के सभी खदान।

उत्तरी पश्चिमी जोन, जिनका मुख्यालय उदयपुर (राजस्थान) होगा, तथा इसके साथ अहमदाबाद क्षेत्र, उदयपुर क्षेत्र, तथा सूरत क्षेत्र समाविष्ट होंगे।

अहमदाबाद क्षेत्र, मुख्यालय अहमदाबाद राज्य-गुजरात

गुजरात राज्य	कच्छ, पाटन, जामनगर, पोरबन्दर, राजकोट, जुनागढ़, अमरेली, भावनगर, सुरेन्द्र नगर, अहमदाबाद, आनन्द, खेड़ा, गांधी तगर तथा मेहसाना जिले के सभी खदान।
दमन, दीव, दादरा एवं नागर हवेली के केन्द्र शासित प्रदेश	दीव के सभी खदान।

उदयपुर क्षेत्र, मुख्यालय उदयपुर राज्य-राजस्थान

राजस्थान राज्य	जालोर, सिरोही, राजसमंद, उदयपुर, डूंगरपुर, चित्तौरगढ़, प्रतापगढ़, बांसवाड़ा जिले के सभी खदान।
मध्य प्रदेश राज्य	नीमच, मंदसौर, रतलाम, उज्जैन, शाझापुर, देवास तथा इन्दौर जिले के सभी खदान।
गुजरात राज्य	बनामकंथा तथा साबरकंथा जिले के सभी खदान।

सूरत क्षेत्र, मुख्यालय सूरत राज्य-गुजरात

गुजरात राज्य	पंचमहल, दाहोद, बड़ोदरा, भरूच, नर्मदा, सूरत, नवसरी, वलसाड तथा डंगस जिले के सभी खदान।
मध्य प्रदेश राज्य	झुबुआ, धार, पश्चिम निमार, पूर्व निमार तथा बदवानी जिले के सभी खदान।
महाराष्ट्र राज्य	नंदूरबार, दुले, नासिक तथा जलगांव जिले के सभी खदान।
दमन, दीव, दादरा एवं नागर हवेली के केन्द्र शासित प्रदेश	सभी खदान दमन, दादरा तथा नागर हवेली में।

पश्चिमी जोन जिनका मुख्यालय नागपुर (महाराष्ट्र) होगा तथा इसके साथ नागपुर क्षेत्र संख्या-1, नागपुर क्षेत्र संख्या-2, जबलपुर क्षेत्र तथा बिलासपुर क्षेत्र समाविष्ट होंगे।

नागपुर क्षेत्र सं.-1, मुख्यालय नागपुर राज्य-महाराष्ट्र (परासिया उप-क्षेत्र भी शामिल)

मध्य प्रदेश राज्य बेतुल, छिंदवाड़ा, सिवनी, तथा बालाघाट जिले में।

महाराष्ट्र राज्य सभी खदान अकोला, अमरावती, वर्धा, नागपुर, भंडारा तथा गोंदिया जिले के सभी खदान।

परासिया उप-क्षेत्र, मुख्यालय परासिया राज्य-मध्य प्रदेश

मध्य प्रदेश राज्य छिंदवाड़ा जिले के सभी खदान।

नागपुर क्षेत्र सं.-2, मुख्यालय नागपुर, राज्य-महाराष्ट्र

महाराष्ट्र राज्य बुलदाना, वासीम, यवतमाल, चन्द्रपुर, गढ़चिरोली, औरंगाबाद, जालना, हींगोली, बीद, परबनी, नांदेड़, ओसमानाबाद तथा लातूर जिले के सभी खदान।

जबलपुर क्षेत्र, मुख्यालय जबलपुर राज्य-मध्य प्रदेश

मध्य प्रदेश राज्य रीवा, सतना, पन्ना, दमोह, कटनी, उमरीया, सहडोल, अनुपपुर, सागर, जबलपुर, मंडला, डिन्डोरी, रायसेन नरसिंगपुर तथा सिहोर जिले के सभी खदान।

बिलासपुर क्षेत्र, मुख्यालय बिलासपुर, राज्य-छत्तीसगढ़

छत्तीसगढ़ राज्य कोरिया, कोरबा, बिलासपुर, कावर्धा, राजनन्दागांव, दुर्ग, रायपुर, धमतरी, कनकल, बस्तर तथा दातेवाड़ा जिले के सभी खदान।

दक्षिणी मध्य जोन जिनका मुख्यालय हैदराबाद (आंध्र प्रदेश) होगा तथा इसके साथ हैदराबाद क्षेत्र संख्या-1, हैदराबाद क्षेत्र संख्या-2, तथा गोवा क्षेत्र समाविष्ट होंगे।

हैदराबाद क्षेत्र सं.-1, मुख्यालय हैदराबाद राज्य आंध्र प्रदेश

आंध्र प्रदेश राज्य करीम नगर, वारांगल, खम्मन, कृष्णा, पश्चिम गोदावरी, पूर्व गोदावरी, विशाखापत्तनम, विजयानगरम तथा श्रीकाकुलम जिले के सभी खदान।

हैदराबाद क्षेत्र सं.-2, मुख्यालय हैदराबाद, राज्य आंध्र प्रदेश (नेल्लौर उप-क्षेत्र भी शामिल)

आंध्र प्रदेश राज्य आदिलाबाद, निजामाबाद, मेदक, रंगारेड्डी, हैदराबाद, नलगोंडा, महबूबनगर, गुंटुर, प्रकासम, कडप्पा तथा नेल्लौर जिले के सभी खदान।

कर्नाटक राज्य बिदर तथा गुलबर्गा जिले के सभी खदान।

नेल्लौर उप-क्षेत्र, मुख्यालय नेल्लौर राज्य आंध्र प्रदेश

आंध्र प्रदेश राज्य गुंटुर, प्रकासम, कडप्पा तथा नेल्लौर जिले के सभी खदान।

गोवा क्षेत्र, मुख्यालय मडगांव राज्य-गोवा

गोवा राज्य सभी खदान

कर्नाटक राज्य बीजापुर, बेलगाम, धारवाड़ तथा उत्तर कन्नड़ जिले के सभी खदान।

महाराष्ट्र राज्य थाने, अहमदनगर, रायगढ़, मुम्बई, पुणे, सतारा, रत्नागिरी, सोलापुर, सांगली, कोल्हापुर तथा सिन्धुगढ़ जिले के सभी खदान।

दक्षिणी जोन जिनका मुख्यालय बेंगलुरु (कर्नाटक) होगा तथा इसके साथ बेंगलुरु क्षेत्र, बेल्लारी क्षेत्र तथा चेन्नई क्षेत्र समाविष्ट होंगे।

बेंगलुरु क्षेत्र, मुख्यालय बेंगलुरु राज्य-कर्नाटक

कर्नाटक राज्य शिमोगा, उडीपी, चिकमंगलूर, दक्षिण कन्नड़-1, चित्रादुर्गा, तुमकूर, हसन, कोलार, बेंगलुरु, मंडवा, मैसूर तथा चामराज नगर जिले के सभी खदान।

तमिलनाडु राज्य कृष्णागिरी, सेलम, इरोड, कोयम्बटूर तथा निलगिरी जिले के सभी खदान।

केरल राज्य सभी खदान

लक्ष्यद्वीप आईलैण्ड केन्द्र शासित प्रदेश सभी खदान

बेल्लारी क्षेत्र, मुख्यालय बेल्लारी राज्य-कर्नाटक

आंध्र प्रदेश राज्य कुरनूल तथा अनन्तपुर जिले के सभी खदान।

कर्नाटक राज्य रायचूर, कोप्पल, बेल्लारी, देवनगरे, बागलकोट, हावेरी तथा गदग जिले के सभी खदान।

चेन्नई क्षेत्र, मुख्यालय चेन्नई राज्य-तमिलनाडु

आंध्र प्रदेश राज्य

चित्तूर जिले के सभी खदान।

तमिलनाडु राज्य

कांचीपुरम, वेल्लौर, तिरुच्चिरापल्ली, तिरुवन्नामलाइ, विल्लुपुरम, कुड्डालोर, अरियालूर, करूर, पेरम्बालूर, पुदुकोटई, डिंडीगुल, शिवगंगा, मदुरई, थेनी, विरूदुनगर, टूटीकोरीन, तिरुनेवेली, कन्याकुमारी, तिरुवाल्लूर, तंजौर, थिरुवानूर, नागापट्टीनम तथा रामानाथापुरम जिले के सभी खदान।

पुदुचेरी केन्द्र शासित प्रदेश

सभी खदान।

दक्षिणी पूर्वी जोन जिनका मुख्यालय राँची (झारखण्ड) होगा तथा इसके साथ राँची क्षेत्र, चाईबासा क्षेत्र, रायगढ़ क्षेत्र तथा भुवनेश्वर क्षेत्र समाविष्ट होंगे।

राँची क्षेत्र, मुख्यालय राँची

राज्य-झारखण्ड

गढ़वा, पलामू, चतरा, लातेहार, लोहरदगा, गुमला, सिमडेगा, राँची, रामगढ़ एवं हजारीबाग जिले के सभी खदान।

(रामगढ़ उप-क्षेत्र भी शामिल)

झारखण्ड राज्य

रामगढ़ तथा हजारीबाग जिले के सभी खदान।

चाईबासा क्षेत्र, मुख्यालय चाईबासा राज्य-झारखण्ड

झारखण्ड राज्य

पूर्वी सिंहभूम, पश्चिमी सिंहभूम तथा सरायकेला खरसावान जिले के सभी खदान।

उड़ीसा राज्य

सुन्दरगढ़, मयूरभंज तथा कोयंबर (आनन्दपुर डिविजन शामिल) जिले के सभी खदान।

रायगढ़ क्षेत्र, मुख्यालय रायगढ़ राज्य-छत्तीसगढ़

छत्तीसगढ़ राज्य

रायगढ़, जशपुर, सरगुजा, जांजगीर तथा महासमन्द जिले के सभी खदान।

भुवनेश्वर क्षेत्र, मुख्यालय भुवनेश्वर राज्य-उड़ीसा

उड़ीसा राज्य

झारसुगुड़ा, संबलपुर, देवघर, अंगूल, धनकनाल, जाजपुर, कायंबर (आनन्दपुर डिविजन केवल), भद्रक, बालेश्वर, केन्द्रापारा, जगतसिंहपुर, कटक, खुरदा, भुवनेश्वर, नायगढ़, बौध, बरगढ़, सोनेपुर, नुआपारा, बोलंगीर, फुलबानी, गंजम, गाजापटी, रायगढ़ा, कालाहांडी, नबरंगपुर, कोरापुट तथा मल्लिकानगिरि जिले के सभी खदान।

पूर्वी जोन जिनका मुख्यालय सीतारामपुर (पश्चिम बंगाल) होगा तथा इसके साथ सीतारामपुर क्षेत्र संख्या-I, सीतारामपुर क्षेत्र संख्या-II, सीतारामपुर क्षेत्र संख्या-III तथा गुवाहाटी क्षेत्र समाविष्ट होंगे।

सीतारामपुर क्षेत्र संख्या-1, मुख्यालय सीतारामपुर राज्य-पश्चिम बंगाल

झारखण्ड राज्य

जामताड़ा तथा दुमका जिले के सभी खदान।

पश्चिम बंगाल

सभी खदान बर्दवान जिला जो जी. टी. रोड के दक्षिण में स्थित है के अन्तर्गत आते हैं और ये पूर्व में बर्नपुर जाने वाली जी. टी. रोड तथा पश्चिम में नियामतपुर, राकानगर तथा चिनाकुरी घाट रोड द्वारा सीमांकित हैं। बर्दवान जिला में स्थित सभी खदान दक्षिण में स्थित जी. टी. रोड जो अंडाल से होते हुए खंडरा, ओखरा, हरिपुर, कृष्णानगर, जमुनिया तथा चन्नामोड़ पर गुजरनेवाले जी. टी. रोड से जाकर मिल जाती है, द्वारा घिरा हुआ है।

सीतारामपुर क्षेत्र संख्या-II, मुख्यालय सीतारामपुर राज्य-पश्चिम बंगाल

पश्चिम बंगाल

सीतारामपुर क्षेत्र सं. I एवं सीतारामपुर क्षेत्र सं. III के तहत आनेवाले खदानों को छोड़कर बर्दवान जिला स्थित सभी खदान।

पुरूलिया, बाँकुड़ा, बीरभूम, मुर्शिदाबाद, नाडिया, उत्तर 24 परगना, दक्षिण 24 परगना, हावड़ा, हुगली एवं मेदनीपुर जिला स्थित सभी खदान।

अंडमान एवं निकोबार द्वीप समूह

सभी खदान।

केन्द्र शासित प्रदेश

सीतारामपुर क्षेत्र संख्या-III, मुख्यालय सीतारामपुर राज्य-पश्चिम बंगाल

झारखण्ड राज्य

गोड्डा, देबघर, पाकुड़ तथा साहेबगंज जिले के सभी खदान।

पश्चिम बंगाल

सीतारामपुर क्षेत्र सं. I में स्थित खानों को छोड़कर जी. टी. रोड के दक्षिण स्थित बर्दवान जिला की सभी खानें।

मुख्यालय क्षेत्र, मुख्यालय मुम्बई राज्य--असम

असम राज्य	सभी खदान
अरुणाचल प्रदेश राज्य	सभी खदान
मणिपुर राज्य	सभी खदान
मिजोरम राज्य	सभी खदान
मेघालय राज्य	सभी खदान
नागालैण्ड राज्य	सभी खदान
त्रिपुरा राज्य	सभी खदान
सिक्किम राज्य	सभी खदान
पूर्वी बंगाल राज्य	जलपाईगुड़ी, उत्तर दिनाजपुर, दार्जिलिंग, कूचबिहार, दक्षिण दिनाजपुर तथा मालदा जिला स्थित सभी खानें ।
बिहार राज्य	असम राज्य के तेल क्षेत्र से राज्य स्थित तेल शोधन कारखानें स्थित तेल पाइप लाईन एवं इसे प्रस्थापन ।

मध्य जोन जिसका मुख्यालय धनबाद (झारखण्ड) होगा तथा इसके साथ धनबाद क्षेत्र संख्या-I, धनबाद क्षेत्र संख्या-II, धनबाद क्षेत्र संख्या-III तथा कोडरमा क्षेत्र समाविष्ट होंगे ।

धनबाद क्षेत्र संख्या-I, मुख्यालय धनबाद राज्य--झारखण्ड

झारखण्ड राज्य	धनबाद जिला के सभी खानें वैसे क्षेत्र में स्थित हैं जो राष्ट्रीय उच्च पथ 32 द्वारा पूर्वी एवं दक्षिणी किनारे पर गोविन्दपुर से महुदा मोड़ तक, पश्चिमी किनारे तक सजगंज महुदा मोड़ एवं उत्तरी किनारे पर गोविन्दपुर तथा राजगंज के बीच राष्ट्रीय उच्च पथ 2 द्वारा सीमांकित है । धनबाद जिले के सभी खानें कारी जोर द्वारा सीमांकित हैं जो बुरागढ़ एवं पुटकी के बीच चलनेवाले सड़क मार्ग तथा राष्ट्रीय उच्च पथ 32 द्वारा जुड़ी हुयी है । धनबाद जिला के सभी खानें राष्ट्रीय उच्च पथ 2 के उत्तर तथा गिरीडीह-टुण्डी-गोविन्दपुर मार्ग के पश्चिम में स्थित हैं ।
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धनबाद क्षेत्र संख्या-II, मुख्यालय धनबाद राज्य--झारखण्ड

झारखण्ड राज्य	गिरीडीह-टुण्डी-गोविन्दपुर सड़क मार्ग एवं धनबाद-झरिया-जियलगोहा-मोहल्लाकली मार्ग के पूर्ण में स्थित धनबाद जिला के सभी खदान ।
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धनबाद क्षेत्र संख्या-III, मुख्यालय धनबाद राज्य--झारखण्ड

झारखण्ड राज्य	धनबाद क्षेत्र सं.-I एवं धनबाद क्षेत्र सं.-II के तहत आनेवाले खानों को छोड़कर धनबाद जिला के सभी खदान ।
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कोडरमा क्षेत्र, मुख्यालय कोडरमा राज्य--झारखण्ड

बिहार राज्य	सभी खदान
झारखण्ड राज्य	सभी खदान कोडरमा तथा गिरीडीह जिले में । हीराक रिंग रोड के पश्चिम एवं राष्ट्रीय उच्च पथ 32 के पश्चिम तथा वास-बनारसवासी-संगमामुख सड़क मार्ग के दक्षिण स्थित कोडरमा जिला के सभी खानें ।

DIRECTORATE GENERAL OF MINES SAFETY

Dhanbad, the 6th November, 2009

S.O. 3177.—I, S.J. Sibal, Chief Inspector of Mines and also designated as Director-General of Mines Safety, under the powers conferred on me under sub-section 3 of Section 6 of the Mines Act, 1952, and in supersession of all the previous notifications and all circulars issued on this subject, hereby declare the area of jurisdiction of Zones, Regions and Sub-Regions with respect to which Inspectors appointed under Sub-section 1 of Section 5 of the Mines Act, 1952 shall exercise their respective powers, as given in the 'Appendix' enclosed.

[No. S-29022/1/2009-GenK3423]

S. J. SIBAL, Chief Inspector of Mines & Director General of Mines Safety

'APPENDIX'

Northern Zone with Headquarters at Ghaziabad (Uttar Pradesh) comprising of Ghaziabad Region, Ajmer Region, Gwalior Region and Varanasi Region.

Ghaziabad Region, HQ at Ghaziabad in the State of Uttar Pradesh

State of J & K	All Mines
State of Himachal Pradesh	All Mines
State of Punjab	All Mines
State of Haryana	All Mines
Union Territory of Chandigarh	All Mines
State of Uttarakhand	All Mines
Union Territory of Delhi	All Mines
State of Rajasthan	All Mines in the districts of Alwar & Bharatpur.
State of Uttar Pradesh	All Mines in the districts of Muzaffarnagar, Saharanpur, Bijnaur, Meerut, Baghpat, Ghaziabad, Bulandshahar, Jautibaphule Nagar, Moradabad, Rampur, Aligarh, Badaun, Bareilly, Pilibhit, Mathura, Hathras, Etah, Shahjahanpur, Lakhimpur, Agra, Firozabad, Mainpuri, Farukhabad, Hardoi, Sitapur, Etawa, Kannauj, Auriya, Kanpur, Rural Kanpur, Unna & Lucknow.

Ajmer Region, HQ at Ajmer in the State of Rajasthan

State of Rajasthan	All Mines in the districts of Sriganganagar, Bikaner, Jaisalmer, Barmer, Jodhpur, Nagaur, Churu, Hanumangarh, Jhunjhunu, Sikar, Pali, Bhilwara, Ajmer, Jaipur, Dausa, Sawaimadhopur, Tonk & Bundi.
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Gwalior Region, HQ at Gwalior in the State of Madhya Pradesh

State of Rajasthan	All Mines in the districts of Kota, Baran, Karauli, Dhaulpur & Jhalawar.
State of Madhya Pradesh	All Mines in the districts of Morena, Sheopur, Bhind, Gwalior, Shivpuri, Guna, Bhopal, Vidisha, Datia, Rajgarh, Tikamgarh & Chattargarh.
State of Uttar Pradesh	All Mines in the districts of Jalaun, Jhansi, Lalitpur, Hamirpur & Mahoba.

Varanasi Region, HQ at Varanasi in the State of Uttar Pradesh

State of Uttar Pradesh	All Mines in the districts of Bharaich, Shravasti, Barabanki, Gonda, Raibareilly, Fatehpur, Banda, Chitrakoot, Kaushambhi, Pratapgarh, Sultanpur, Faizabad, Basti, Balarampur, Sidhartha Nagar, Maharajganj, Sant Kabeer Nagar, Ambedkar Nagar, Jaunpur, Allahabad, Kushinagar, Deoria, Gorakhpur, Azamgarh, Mau, Ballia, Sant Ravidas Nagar, Varanasi, Mirzapur, Chandouli & Sonbhadra.
State of Madhya Pradesh	All Mines in the districts of Sidhi.

North Western Zone with Headquarters at Udaipur (Rajasthan) comprising of Ahmedabad Region, Udaipur Region, and Surat Region.

Ahmedabad Region, HQ at Ahmedabad in the State of Gujarat

State of Gujarat	All Mines in the districts of Kutch, Patan, Jamnagar, Porbandar, Rajkot, Junagarh, Amreli, Bhavnagar, Surendra Nagar, Ahmedabad, Anand, Kheda, Gandhinagar & Mehsana.
Union Territory of Daman, Diu, Dadra & Nagar Haveli	All Mines in Diu.

Udaipur Region, HQ at Udaipur in the State of Rajasthan

State of Rajasthan	All Mines in the districts of Jalor, Sirohi, Rajsamand, Udaipur, Dungarpur, Chittorgarh, Pratapgarh & Banswara.
State of Madhya Pradesh	All Mines in the districts of Neemach, Mandsaur, Ratlam, Ujjain, Shajapur, Dewas & Indore.
State of Gujarat	All Mines in the districts of Banaskantha & Sabarkantha.

Surat Region, HQ at Surat in the State of Gujarat

State of Gujarat	All Mines in the districts of Panchmahal, Dahod, Vadodra, Bharuch, Narmada, Surat, Navsari, Valsad & Dangs.
State of Madhya Pradesh	All Mines in the districts of Jhabua, Dhar, West Nimar, East Nimar & Badwani.
State of Maharashtra	All Mines in the districts of Nandurbar, Dhule, Nasik & Jalgaon.
Union Territory of Daman, Diu, Dadra & Nagar Haveli	All Mines in Daman, Dadra & Nagar Haveli.

Western Zone with Headquarters at Nagpur (Maharashtra) comprising of Nagpur Region No. 1, Nagpur Region No. 2, Jabalpur Region and Bilaspur Region.**Nagpur Region No. 1, HQ at Nagpur in the State of Maharashtra (including Parasia Sub Region)**

State of Madhya Pradesh	All Mines in the districts of Betul, Chhindwara, Seoni & Balaghat.
State of Maharashtra	All Mines in the districts of Akola, Amravati, Wardha, Nagpur, Bhandara & Gondia.

Parasia Sub Region, HQ at Parasia in the State of Madhya Pradesh

State of Madhya Pradesh	All Mines in the districts of Chhindwara.
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Nagpur Region No. 2, HQ at Nagpur in the State of Maharashtra

State of Maharashtra	All Mines in the districts of Buldana, Washim, Yavatmal, Chandrapur, Garhchiroli, Aurangabad, Jalna, Hingoli, Beed, Parbhani, Nanded, Osmanabad & Latur.
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Jabalpur Region, HQ at Jabalpur in the State of Madhya Pradesh

State of Madhya Pradesh	All Mines in the districts of Rewa, Satna, Panna, Damoh, Katni, Umaria, Shahdol, Anuppur, Sagar, Jabalpur, Mandla, Dindori, Raisen, Narsingpur & Sihore.
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Bilaspur Region, HQ at Bilaspur in the State of Chhattisgarh

State of Chhattisgarh	All Mines in the districts of Korea, Korba, Bilaspur, Kawardha, Rajnandgaon, Durg, Raipur, Dhamtari, Kanker, Bastar & Dantewada.
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South Central Zone with Headquarters at Hyderabad (Andhra Pradesh) comprising of Hyderabad Region No. 1, Hyderabad Region No. 2 and Goa Region**Hyderabad Region No. 1, HQ at Hyderabad in the State of Andhra Pradesh**

State of Andhra Pradesh	All Mines in the districts of Karimnagar, Warangal, Khammam, Krishna, West Godavari, East Godavari, Visakhapatnam, Vizianagaram & Srikakulam.
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Hyderabad Region No. 2, HQ at Hyderabad in the State of Andhra Pradesh, (including Nellore Sub Region)

State of Andhra Pradesh	All Mines in the districts of Adilabad, Nizamabad, Medak, Rangareddy, Hyderabad, Nalgonda, Mahboobnagar, Guntur, Prakasam, Cuddappah & Nellore.
State of Karnataka	All Mines in the districts of Bidar & Gulbarga.

Nellore Sub Region, HQ at Nellore in the State of Andhra Pradesh

State of Andhra Pradesh	All Mines in the districts of Guntur, Prakasam, Cuddappah & Nellore.
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Goa Region, HQ at Madgaon in the State of Goa

State of Goa	All Mines
State of Karnataka	All Mines in the districts of Bijapur, Belgaum, Dharwad & Uttar Kannad.
State of Maharashtra	All Mines in the districts of Thane, Ahmadnagar, Raigarh, Mumbai, Pune, Satara, Ratnagiri, Solapur, Sangli, Kolhapur & Sindhudurg.

Southern Zone with Headquarters at Bengaluru (Karnataka) comprising of Bengaluru Region, Bellary Region and Chennai Region**Bengaluru Region, HQ at Bengaluru in the State of Karnataka**

State of Karnataka	All Mines in the districts of Shimoga, Udipi, Chikmagalur, Dakshin Kannad, Chitradurga, Tumkur, Hassan, Kolar, Bengaluru, Mandya, Mysore & Chamraj Nagar.
State of Tamil Nadu	All Mines in the districts of Krishnagiri, Salem, Erode, Coimbatore & Nilgiris.
State of Kerela	All Mines
UT of Lakshadweep Islands	All Mines

Bellary Region, HQ at Bellary in the State of Karnataka

State of Andhra Pradesh	All Mines in the districts of Kurnool & Anantapur
State of Karnataka	All Mines in the districts of Raichur, Koppal, Bellary, Devangere, Bagalkot, Haveri & Gadag.

Chennai Region, HQ at Chennai in the State of Tamil Nadu

State of Andhra Pradesh	All Mines in the districts of Chittoor.
State of Tamil Nadu	All Mines in the districts of Kanchipuram, Vellore, Tiruchirapalli, Tiruvannamalai, Villupuram, Cuddalore, Ariyalur, Karur, Perambalur, Pudukotai, Dindigul, Sivaganga, Madurai, Theni, Virudhnagar, Tuticorin, Tirunelveli, Kanyakumari, Tiruvallur, Thanjavur, Thiruvannur, Nagapattinam & Ramanathapuram.
Union Territory of Puduchery	All Mines

South Eastern Zone with Headquarters at Ranchi (Jharkhand) comprising of Ranchi Region, Chaibasa Region, Raigarh Region and Bhubaneswar Region**Ranchi Region, HQ at Ranchi in the State of Jharkhand (including Ramgarh Sub Region)**

State of Jharkhand	All Mines in the districts of Garhwa, Palamu, Chatra, Lohardaga, Gumla, Simdega, Ranchi, Ramgarh & Hazaribag.
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Ramgarh Sub Region, HQ at Ramgarh in the State of Jharkhand

State of Jharkhand	All Mines in the districts of Ramgarh & Hazaribag.
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Chaibasa, HQ at Chaibasa in the State of Jharkhand

State of Jharkhand	All Mines in the districts of East Singhbhum, West Singhbhum & Saraikela Kharsawan.
State of Orissa	All Mines in the districts of Sundergarh, Mayurbhanj & Keonjhar excluding Anandpur Division.

Raigarh Region, HQ at Raigarh in the State of Chhattisgarh

State of Chhattisgarh	All Mines in the districts of Raigarh, Jashpur, Surguja, Janjgir & Mahasamand.
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Bhubaneswar Region, HQ at Bhubaneswar in the State of Orissa

State of Orissa	All Mines in the districts of Jharsuguda, Sambalpur, Deogarh, Angul, Dhenkanal, Jajpur, Keonjhar, (Anandpur Division only), Bhadrak, Baleswar, Kendrapara, Jagatsinghpur, Cuttak, Khurda, Puri, Nayagarh, Boudh, Bargarh, Sonapur, Nuapara, Bolangir, Phulbani, Ganjam, Gajapati, Rayagada, Kalahandi, Navrangpur, Koraput & Malkangiri.
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Eastern Zone with Headquarters at Sitarampur (West Bengal) comprising of Sitarampur Region No. I, Sitarampur Region No. II, Sitarampur Region No. III and Guwahati Region**Sitarampur Region No. I HQ at Sitarampur in the State of West Bengal**

State of Jharkhand	All Mines in the districts of Jamtara & Dumka.
State of West Bengal	All Mines in the districts of Burdwan situated south of GT Road and bounded by Bumpur Road leading from GT Road on the east & Neamatpur, Radhanagar & Chinakuri Ghat Road on the west. All mines in the District of Burdwan situated in the area bound by GT Road on the south, road leading from Andal turning on GT road to Khandra, Ukhra, Haripur, Krishnagaar, Jamuria & Chanda More on GT road.

Sitarampur Region No. II, HQ at Sitarampur in the State of West Bengal

State of West Bengal	All Mines in the districts of Burdwan except those included in Sitarampur Region No. I & Sitarampur Region No. III.
	All Mines in the districts of Purulia, Bankura, Birbhum, Murshidabad, Nadia, North 24 Parganas, South 24 Parganas, Howrah, Hoogli & Medinipur.
Union Territory of Andaman & Nicobar Islands	All Mines

Sitarampur Region No. III, HQ at Sitarampur in the State of West Bengal

State of Jharkhand	All Mines in the districts of Godda, Deogarh, Pakur & Sahebganj.
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State of West Bengal	All Mines in the districts of Burdwan situated on the south of GT Road except those included in Sitarampur Region No. 1. All Mines in the district of Burdwan bounded by road leading from Pandaveswar Ghat to Haripur, Krihnanagar, Jamuria & Darbardanga.
Guwahati Region, HQ at Guwahati in the State of Assam	
State of Assam	All Mines
State of Arunachal Pradesh	All Mines
State of Manipur	All Mines
State of Mizoram	All Mines
State of Meghalaya	All Mines
State of Nagaland	All Mines
State of Tripura	All Mines
State of Sikkim	All Mines
State of West Bengal	All Mines in the districts of Jalpaiguri, Uttar Dinajpur, Darjeeling, Cooch, Bihar, Dakshin Dinajpur & Malda.
State of Bihar	Oil pipeline and its installations extending from Oil fields in the State of Assam up to refineries situated in the State.

Central Zone with Headquarters at Dhanbad (Jharkhand) comprising of Dhanbad Region No. 1, Dhanbad Region No. II, Dhanbad Region No. III and Koderma Region

Dhanbad Region No. I, HQ at Dhanbad in the State of Jharkhand

State of Jharkhand	All Mines in the district of Dhanbad lying in the area bound by NH 32 starting at Gobindpur upto Mohuda More on eastern and southern sides, Rajganj-Mohuda More road on the Western Side and NH 2 between Gobindpur and Rajganj on the northern side. All Mines in the district of Dhanbad lying in the area bound by Kari Jore, road connecting Buragarh & Pootki and NH 32. All Mines in the district of Dhanbad lying in the area north of NH 2 and west of Giridih—Tundi—Gobindpur road.
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Dhanbad Region No. II, HQ at Dhanbad in the State of Jharkhand

State of Jharkhand	All Mines in the district of Dhanbad lying east of Giridih—Tundi—Gobindpur Road and lying east of Dhanbad—Jharia—Jalgore—Mohulbani Road.
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Dhanbad Region No. III, HQ at Dhanbad in the State of Jharkhand

State of Jharkhand	All Mines in the district of Dhanbad except those included in Dhanbad Region No. 1 and Dhanbad Region No. II. All Mines in the district of Bokaro except those included in Koderma Region.
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Koderma Region HQ at Koderma in the State of Jharkhand

State of Bihar	All Mines
State of Jharkhand	All Mines in the district of Koderma & Giridih All Mines situated in the district of Bokaro lying west of Hirak Ring road and all mines lying west of NH 32 & south of Chas—Chandankyari—Rangnathpur Road.

नई दिल्ली, 9 नवम्बर, 2009

क्रा. आ. 3178.—जबकि मैसर्स डोमिनोस पिन्जा इंडिया लि. [दिल्ली (दक्षिण) क्षेत्र में कोड संख्या डी.एल/19714 के अंतर्गत] (एतदुपरांत प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी कल्याण निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरांत अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं है और कर्मचारी भी समान प्रकृति के किसी अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त उक्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रचालन से 22-09-1997 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/25/2009-एस एस-II]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 9th November, 2009

S. O. 3178.—Whereas M/s. Domino's Pizza India Ltd. [under Code No. DL/19714 in Delhi (South) Region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employee's Provident funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 22-09-1997 until further notification.

[No. S-35015/25/2009-SS-II]

S. D. XAVIER, Under Secy.